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**KENDALL COUNTY  
ZONING BOARD OF APPEALS  
PUBLIC HEARING**

111 West Fox Street • Room 209 and 210 • Yorkville, IL • 60560  
(630) 553-4141 Fax (630) 553-4179

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**AGENDA**

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April 30, 2018 – 7:00 p.m.

**CALL TO ORDER – ZONING BOARD OF APPEALS**

ROLL CALL for the Zoning Board of Appeals: Randy Mohr (Chair); Scott Cherry, Karen Clementi, Tom LeCuyer, Dick Thompson, Dick Whitfield, and One Vacancy

MINUTES: Approval of Minutes from the April 2, 2018 Zoning Board of Appeals Hearing (Pages 3-108)

**PETITIONS:**

1. **18 – 03 – Kendall County Planning, Building and Zoning Committee**  
Request: Text Amendments to Sections 4.17.H, 7.01.D.53.b.vi, 8.08.B.2.h, 10.01.C.27.b.vi, 11.02.C, 11.02.D, 11.04, 11.04.A, 13.01.C, 13.07.B, 13.07.C and 13.08.C of the Kendall County Zoning Ordinance by Removing the Requirements for the Zoning, Platting and Advisory Committee and the Kendall County Regional Planning Commission to Meet and Issue Recommendations on Proposed Map Amendments, Special Use Permits, Major Amendments to Special Use Permits, and Text Amendments on Matters Not Involving the Powers and Duties of the Zoning, Platting and Advisory Committee or the Kendall County Regional Planning Commission and Related Zoning Text Citation Amendments

Purpose: Text Amendments Remove the Requirements for the Zoning, Platting and Advisory Committee and the Kendall County Regional Planning Commission to Meet and Issue Recommendations on Proposed Map Amendments, Special Use Permits, Major Amendments to Special Use Permits, and Text Amendments on Matters Not Involving the Powers and Duties of the Zoning, Platting and Advisory Committee or the Kendall County Regional Planning Commission and Related Zoning Text Citation Amendments. Individual Members May Still Submit Comments on These Types of Proposals

2. **18 – 11 – Elva Rocha (Owner) and Ramon Martinez (Lessee) (Pages 109-124)**  
Request: Variances to Sections 4.05.E, 4.05.F, 11.02.F.7 of the Kendall County Zoning Ordinance Allowing the Construction of a Detached Accessory Structure to be 166% the Size of the Primary Structure and be 20.5 Feet in Height and to Allow the Driveway to be 3.5 Feet from the Eastern Property Line

PIN: 03-05-454-023

Location: 16 Curtmar Court, Montgomery (Boulder Hill) in Oswego Township

Purpose: The proposed new garage would be twenty point five feet (20.5') in height. The maximum building height for an accessory structure is fifteen feet (15').

The proposed new garage would be one thousand nine hundred forty-four (1944) square feet in size. The new garage would be approximately one hundred sixty-six percent (166%) the size of the existing house which is one thousand one hundred seventy-five (1175) square feet in size and greater than seventy percent (70%) the size of the house.

The proposed driveway would extend to approximately three point five feet (3.5') of the east side property line; the driveway cannot be closer than five feet (5') without a variance.

3. **18 – 13 – Kendall County Planning, Building and Zoning Committee**  
Request: Text Amendments to Sections 3.02, 4.18, 7.01.D, 8.02.C, 8.03.H.1, 8.09.B, 9.02.C, 9.03.C, 9.04.C, 9.05.C, 9.06.F, 9.07.C, and 10.03.B of the Kendall County Zoning Ordinance by Amending Kendall County’s Solar Panel Zoning Regulations
- Purpose: Text Amendment Defines Types of Solar Panel Usage and Solar Panel Equipment, Amends the Zoning Regulations for Accessory Use of Solar Panels, and Adds Requirements for Solar Gardens and Solar Farms.

**NEW BUSINESS/ OLD BUSINESS**

1. Presentation of Amendments to the Title, Article I-Section 3, Article II-Section 1, Article III-Section 6, Article VII-Sections 7, 8, and 9, and Article X of the Kendall County Zoning Board and Special Use Hearing Officer General Rules and By-Laws to Reflect the Transfer of Special Use Related Applications and Hearing from the Special Use Hearing Officer to the Zoning Board of Appeals as Approved by the Kendall County Board through Ordinance 2018-04 and Related Citation Amendments (Pages 125-131)

**REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD**

1. Petition 17-29 Increasing the Notification Requirement for Special Use Petitions in the A-1 District
2. Petition 18-05 Map Amendment for the Warpinski Property on Walker Road

**PUBLIC COMMENT**

**ADJOURN ZONING BOARD OF APPEALS-** Next meeting on June 4, 2018

If special accommodations or arrangements are needed to attend this County meeting, please contact the Administration Office at 630-553-4171, a minimum of 24-hours prior to the meeting time.



**MINUTES – UNOFFICIAL UNTIL APPROVED**  
**KENDALL COUNTY**  
**ZONING BOARD OF APPEALS MEETING**  
111 WEST FOX STREET, Room 209 and 210  
YORKVILLE, IL 60560  
**April 2, 2018 – 7:00 p.m.**

**CALL TO ORDER**

Chairman Randy Mohr called the Zoning Board of Appeals meeting to order at 7:01 p.m.

**ROLL CALL**

Members Present: Scott Cherry, Karen Clementi, Tom LeCuyer, Randy Mohr, Dick Thompson, and One Vacancy

Members Absent: Dick Whitfield

Staff Present: Matthew Asselmeier, AICP, Senior Planner

Public: Robert Davidson, Dan Kramer, Barry Niles, Nick Porter, Russ Ginn, Steven Huey, and Jason Engberg

**MINUTES**

Ms. Clementi, seconded by Mr. Cherry, moved to approve the January 29, 2018, meeting minutes. With a voice vote of all ayes, the motion was approved.

**PETITIONS**

At this time Chairman Mohr swore in those members of the public that wished to speak on the petitions.

The Zoning Board of Appeals started their review of Petition 18-05 at 7:02 p.m.

**18 – 05 – Keith and Kathleen Warpinski**

Request: Map Amendment Rezoning Subject Property from A-1 to R-1

PIN: 05-21-400-011

Location: North Side of Walker Road Approximately 0.31 miles east of Route 47, Kendall Township

Purpose: Petitioner would like the Ability to Construct a Single-Family Home on the Property.

Mr. Asselmeier summarized the request. The Petitioners desire a map amendment in order to be able to construct a house on the property.

ZPAC reviewed the proposal on March 6<sup>th</sup> and unanimously recommended approval.

The Kendall Township Planning Commission and Kendall Township Board reviewed the proposal in February and recommended denial. Kendall Township will not be submitting a formal objection.

The United City of Yorkville's Planning and Zoning Commission met on March 14<sup>th</sup> and recommended approval. The United City of Yorkville's City Council met on March 27<sup>th</sup> and did not have any objections.

The Kendall County Regional Planning Commission reviewed this proposal on March 28<sup>th</sup> and unanimously recommended approval.

Mr. Asselmeier noted that the certificate of publication and green cards were on file in the Planning, Building and Zoning Department Office.

Mr. LeCuyer made a motion, seconded by Mr. Cherry, to open the public hearing. With a voice vote of all ayes, the motion carried. Chairman Mohr opened the public hearing at 7:07 p.m.

Dan Kramer, attorney for the Petitioners, agreed with the information contained in the Staff Report. Mr. Kramer noted that the Petitioners planted trees on the northern portion of the property. A one hundred (100) year flood mark is located south of the trees. Mr. Kramer stated that an easement would be placed on the property noting the location of future trails along the northern and southern portions of the property. A new house would have no difficulty meeting the setback requirements and avoiding the pipeline on the property. Mr. Kramer stated that the Kendall Township Planning Commission met on this proposal; this was the first time that the Kendall Township Planning Commission had met in several years. The opinion of the Kendall Township Planning Commission was they did not want additional houses in the area.

Mr. Cherry asked if the Petitioners intended to build a house at the site for themselves. Mr. Kramer responded that the Petitioners already owned a house and they are trying to sell the property. Mr. Cherry asked if the property would be worth more money if it was rezoned. Mr. Kramer responded that the property would be worth more money and would be usable for residential instead of agricultural uses.

Mr. Davidson asked how all of the neighboring houses were constructed and property was divided after providing a history of the property owners in the area. Mr. Kramer explained that all of the nearby properties are zoned A-1; the subject property is the only property to ask for a map amendment to R-1. Mr. Kramer explained the evolution of the forty (40) acre rule. Mr. Asselmeier explained the Plat Act exemptions that allow for five (5) acre divisions of land and the transferring of land between adjoining property owners without going through the subdivision process. The parcel immediately west of the subject property is a flag lot with the wide portion located on the Walker Road side of the property. The flag lot could not be built upon without a map amendment. Mr. Davidson expressed concerns that, by rezoning the subject property, the adjoining properties could also be rezoned. The lots surrounding the subject property could not be divided easily without a subdivision.

Chairman Mohr asked why the Petitioners chose the map amendment request instead of an A-1 Building Permit request. Mr. Kramer responded that the notification and publication requirements for a map amendment were stricter than the notification requirements for an A-1 Building Permit. Mr. Kramer also noted that the County Board favored a map amendment over an A-1 Building Permit in a similar case in 2017. Mr. Asselmeier also noted that people could use the five (5) acre and transferring property to adjoining owners exemptions in the Plat Act to get around the forty (40) acre rule. Mr. Asselmeier stated that Staff recommends rezoning for the surrounding parcels to R-1 to comply with the Land Resource Management Plan.

Mr. Davidson expressed a desire to have uniformity of zoning in area when a municipality annexes land in the area.

Chairman Mohr adjourned the public hearing on this matter at 7:23 p.m.

Mr. Davidson expressed concerns about the creation flag lots in the area.

Ms. Clementi made a motion, seconded by Mr. LeCuyer, to approve the Finding of Fact as presented.

The votes were as follows:

Ayes (5): Cherry, Clementi, LeCuyer, Mohr, and Thompson  
Nays (0): None  
Absent (1): Whitfield

The motion passed.

Mr. LeCuyer, seconded by Mr. Thompson, made a motion to recommend approval of the map amendment as proposed.

The votes were as follows:

Ayes (5): Cherry, Clementi, LeCuyer, Mohr, and Thompson  
Nays (0): None  
Absent (1): Whitfield

The motion passed. Kendall Township will be notified of the Board's recommendation. This matter will go to the Kendall County Planning, Building and Zoning Committee on April 9<sup>th</sup>.

The Zoning Board of Appeals concluded review of Petition 18-05 at 7:24 p.m.

#### **Petition 18-07**

Petition 18-07 was referred to the Planning, Building and Zoning Committee by the Kendall County Regional Planning Commission.

The Zoning Board of Appeals started their review of Petition 18-08 at 7:28 p.m.

#### **18 – 08 – Helmar Lutheran Church**

Request: Variance Request from Section 7.01.G.2.a of the Kendall County Zoning Ordinance Reducing the Rear Yard Setback from 50 Feet to 30 Feet at the Subject Property; Property is Zoned A-1

PIN: 05-31-300-002

Location: 11951 Lisbon Road, Newark, Kendall Township

Purpose: Requested Variance to Allow Construction of an Attached Garage.

Mr. Asselmeier summarized the request.

Helmar Lutheran Church is requesting a variance in order to construct an attached garage thirty feet (30') from the eastern property line of their property. The existing garage and breezeway will be removed.

Staff recommended approval of the proposal with the conditions that the Petitioner develop the site in accordance with the submitted site plan and that the Petitioner secure all applicable permits prior to the construction and use of the proposed attached garage.

Mr. Asselmeier noted that the certificate of publication and green cards were on file in the Planning, Building and Zoning Department Office.

Chairman Mohr asked about the septic system. Mr. Davidson stated that the septic needs to be relocated and is currently under review by the Health Department. The septic tank is only for the house.

Mr. Thompson made a motion, seconded by Mr. Cherry, to open the public hearing. With a voice vote of all ayes, the motion carried. Chairman Mohr opened the public hearing at 7:34 p.m.

Barry Niles, representing the Petitioner, stated that the house was built in the 1951. The existing garage is inadequate for today's vehicle sizes. If the garage is constructed as proposed, the garage would be located approximately thirty-two feet (32') from the property line. The Petitioner is working with the property owner to the east to formal convey land on the north and east side of the Petitioner's property. The Petitioner's leased the property from the adjoining property owner for fifty (50) years and they are working with the neighbor to resolve the matter. If the variance is granted and the land is not conveyed, the Petitioner would either need to secure another variance or they would be unable to build the garage as proposed.

Mr. Davidson asked when the land would be deeded to the Petitioner. Mr. Niles responded within the next two to three (2-3) weeks.

Chairman Mohr adjourned the public hearing on this matter at 7:40 p.m.

Mr. LeCuyer made a motion, seconded by Mr. Cherry, to approve the Finding of Fact as presented.

The votes were as follows:

Ayes (5): Cherry, Clementi, LeCuyer, Mohr, and Thompson  
Nays (0): None  
Absent (1): Whitfield

The motion passed.

Ms. Clementi, seconded by Mr. Thompson, made a motion to approve the variance as requested.

The votes were as follows:

Ayes (5): Cherry, Clementi, LeCuyer, Mohr, and Thompson  
Nays (0): None  
Absent (1): Whitfield

The motion passed. Kendall Township will be notified of the Board's decision.

The Zoning Board of Appeals concluded review of Petition 18-08 at 7:41 p.m.

The Zoning Board of Appeals started their review of Petition 18-10 at 7:42 p.m.

**18-10 – LaSalle National Trust #47016 Represented by Drew Daniels**

Request: Variance Request from Section 4.19.2.b of the Kendall County Zoning Ordinance Reducing the Distance Requirement from 1000 Feet to 318 Feet Between An Occupied Principal Structure and a Temporary Concrete Ready-Mix or Asphalt Plant; Property is Zoned A-1

PINs: 02-30-200-023, 02-19-400-009, and 02-19-400-010

Location: 11443 U.S. Route 34, Yorkville, Kendall Township

Purpose: Request to Allow Polte Construction, Inc. to Operate a Temporary Concrete Plant at the Subject Property, Pending Approval of a Temporary Use Permit by the Kendall County Planning, Building and Zoning Committee, 318 Feet from the Nearest Occupied Principal Structure for Work Associated with the U.S. 34 Widening Project.

Mr. Asselmeier summarized the request.

The LaSalle National Trust #47016 owns three (3) parcels of the property on the north side of U.S. Route 34 across the street from the Fox Hill Subdivision. Plote Construction Company was awarded the Illinois Department of Transportation, U.S. Route 34 Reconstruction and Widening Project. Plote Construction Company desires to use a portion of the property owned by the LaSalle National Trust #47016 for an onsite concrete plant. At its closest point, the proposed facility will be three hundred eighteen feet (318') from the nearest occupied principal structure.

In addition to the requested variance, the proposal also requires a temporary use permit from the Kendall County Planning, Building and Zoning Committee.

Staff recommended approval of the requested variance subject to the following conditions:

1. The site shall be developed in accordance with the attached site plan.
2. The Petitioner shall resolve all outstanding alleged Zoning Ordinance violations prior to the commencement of operations.
3. The Petitioner shall secure all applicable permits prior to the construction and use of the proposed plant.
4. The Petitioner shall comply with any restrictions or conditions imposed as part of the temporary use permit.
5. The variance allowed by this Variance Ordinance shall expire at the same time as the temporary use permit expires.

Bristol Township has not submitted comments on the proposal.

The United City of Yorkville expressed no opposition to the proposal.

Mr. Asselmeier noted that the certificate of publication and green cards were on file in the Planning, Building and Zoning Department Office.

Ms. Clementi asked if the three point five foot (3.5') barrier wall had any noise protection. Mr. Asselmeier responded that the small barrier wall will not have much noise protection. The barrier wall on the south side of U.S. Route 34 will not be constructed until November. Ms. Clementi asked about the decibel level of the concrete crushing operations. Mr. Asselmeier did not have any information on the noise level of the proposed operation.

Chairman Mohr asked if the one thousand foot (1,000') setback was something the County created or if it is an industry practice. Mr. Asselmeier responded that he was unaware of how that distance was calculated.

Mr. Davidson discussed a concrete plant operation for work related to Route 47 that occurred in the 1990s. He had no objections to the proposal.

Ms. Clementi made a motion, seconded by Mr. Cherry, to open the public hearing. With a voice vote of all ayes, the motion carried. Chairman Mohr opened the public hearing at 7:58 p.m.

Steve Huey, 1519 Cottonwood Trail, Yorkville, lives south of the subject property. He requested clarification on where the three hundred eighteen feet (318') would be measured. Mr. Huey would like the variance be denied because he believes that Plote Construction Company has plenty of room to the north side of the property. Mr. Huey expressed concerns about the noise level. He would like the noise wall be at least fifteen feet (15') in height. Mr. Huey has lived in the area since the mid-1990s. The wall is not under the jurisdiction of Kendall County. Mr. Huey showed Ms. Clementi the location of his house on the aerial. Mr. Huey discussed the removal of several trees, bushes, and subdivision signs. The houses at 11443 U.S. Route 34 had asbestos. The three hundred eighteen feet (318') distance is to the batch plant. The stockpile is closer than three hundred eighteen feet (318').

Nick Porter, representing Plote Construction Company, stated his desire to have the plant close to the construction site. They are trying to lessen the footprint of the trucking routes. He hopes to get the project completed faster by having the plant at this location and the concrete will be a better product. If the variance is not awarded, Plote Construction Company would have to crush the concrete inside the work zone. They will start construction of the noise wall as soon as possible. Dust will be monitored closely by OSHA.

Mr. Davidson asked if a temporary turn lane would be installed on U.S. Route 34. Mr. Porter stated that no way exists to widen the existing turn lane. They will have proper signage and flaggers. No staging of trucks on U.S. Route 34 will occur.

Mr. Porter said that the project is from Center Road to Eldamain Road.

Mr. Porter said that they will try to push the plant further north.

Chairman Mohr asked about mud going onto U.S. Route 34. Mr. Porter said that Plote Construction Company will spread the site with asphalt grindings to prevent dirt from going onto U.S. Route 34.

Mr. Porter said that the Petitioner's intent is to turn the land into corn field after the construction project is completed.

Plote Construction Company is not demolishing the structures; the property owner is responsible for the removal of those structures.

Mr. Porter stated that Plote Construction Company has the specs for the concrete crusher, but the specs do not have the noise ratings.

Mr. Porter stated that the concrete would be stockpiled on the northeast corner of the property. The concrete plant would not be installed until August.

Chairman Mohr expressed concerns about the hours of operation of Monday-Friday from 7:00 a.m. until 5:30 p.m. Chairman Mohr believed that 7:00 a.m. was too early to start crushing. The consensus of the Board was that traffic congestion already exists.

Russ Ginn, Plote Construction Company, stated that the crusher will be on the north end of the property and additional construction noise will exist onsite. Neighbors will not be able to distinguish the crusher from other construction noise. Mr. Ginn explained dust control on other projects around O'Hare Airport. He noted that noise walls reflect sound; the north side of U.S. Route 34 will be noisier than the south side of U.S. Route 34. The project has an EPA permit.

Mr. Porter noted that lane closures should not be needed after the installation of temporary pavement.

If the variance is denied, Plote Construction Company would crush in the right-of-way which would be closer to the nearby houses.

Jason Engberg, Senior Planner, United City of Yorkville, said that the Yorkville Economic Development Committee, Planning and Zoning Commission, and City Council reviewed the proposal and expressed no objection to the proposal. The United City of Yorkville favored the variance because the crushing operations would be further away from homes and because the existing structures on the site would be demolished. Mr. Engberg indicated that the United City of Yorkville might get to pick the color of the sound wall.

Chairman Mohr adjourned the public hearing on this matter at 8:25 p.m.

Mr. LeCuyer made a motion, seconded by Mr. Cherry, to approve the Finding of Fact as presented.

The votes were as follows:

Ayes (5):	Cherry, Clementi, LeCuyer, Mohr, and Thompson
Nays (0):	None
Absent (1):	Whitfield

The motion passed.

Mr. Cherry requested that top soil be hauled onto the property to return the property to an agricultural use.

Ms. Clementi suggested a condition limiting concrete crushing until after 8:30 a.m. until the noise wall is construction. Discussion occurred about the employment costs of implementing this requirement. This restriction was not added to the variance.

Mr. Thompson, seconded by Mr. LeCuyer, made a motion to approve the variance as requested with conditions recommended by Staff and with the requirement that between six inches (6") and twelve inches (12") of top soil be hauled onto the concrete crushing area upon conclusion of operations.

The votes were as follows:

Ayes (5): Cherry, Clementi, LeCuyer, Mohr, and Thompson  
Nays (0): None  
Absent (1): Whitfield

The motion passed. Bristol Township will be notified of the Board's decision. The temporary use permit request will go to the Planning, Building and Zoning Committee on April 9<sup>th</sup>.

The Zoning Board of Appeals concluded review of Petition 18-10 at 8:35 p.m.

### **NEW BUSINESS/OLD BUSINESS**

#### **Selection of Acting Chairman**

Without objection, Ms. Clementi was selected as Acting Chairman.

#### **Selection of Secretary**

Without objection, Mr. Asselmeier was selected as Secretary.

#### **Update on Proposed Changes to Future Land Use Map for Land Along Route 47 in Lisbon Township**

Mr. Asselmeier provided an update on the proposed changes to the Future Land Use Map in this area and that the protection for the Prairie Parkway centerline was removed by the Illinois Department of Transportation. At last meeting of the Comprehensive Land Plan and Ordinance Committee, a mixed use business area was added west of the intersection of Routes 47 and 52 and would curve southwest towards the Village of Lisbon. This mixed use business area is already on the future land use map of the Village of Lisbon. Several property owners voiced their opposition to changing the future land use map in Lisbon Township when the Comprehensive Land Plan and Ordinance Committee met in Plattville in February.

### **REVIEW OF PETITIONS THAT WENT TO THE COUNTY BOARD**

Mr. Asselmeier reported that Petition 17-33 transferring certain powers and duties from the Hearing Officer to the Zoning Board of Appeals passed at the County Board. Due to the passing of the text amendment, at the next Zoning Board of Appeals meeting, there will be nominations for amendments to the Board's bylaws.

Mr. Asselmeier reported that Petition 17-29 regarding the notification requirements for special use permits in the A-1 District was reviewed by the Committee of the Whole and sent back to the Planning, Building and Zoning Committee for additional review.

### **PUBLIC COMMENT**

None

Mr. Asselmeier reported a variance request in Boulder Hill will be coming before the Board on April 30<sup>th</sup>. A proposed change to the duties of ZPAC and the Kendall County Regional Planning Commission will be on the agenda. A proposed text amendment related to solar panel regulations will also potentially come before the Board on April 30<sup>th</sup>.

### **ADJOURNMENT OF THE ZONING BOARD OF APPEALS**

Mr. Cherry, seconded by Ms. Clementi made a motion to adjourn. By voice vote of all ayes, the motion passed unanimously. The Zoning Board of Appeals meeting adjourned at 8:50 p.m.



Respectfully submitted by,  
Matthew H. Asselmeier, AICP  
Senior Planner

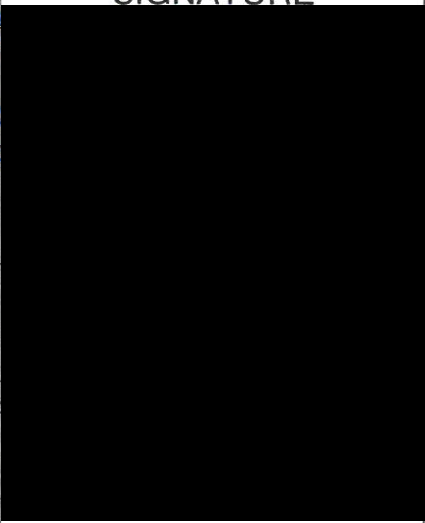
Exhibits

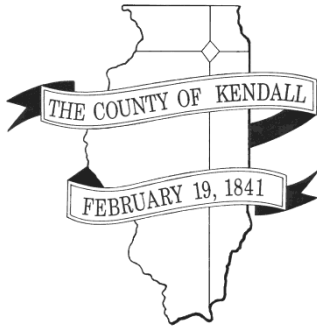
1. Staff Report on Petition 18-05 Dated March 29, 2018.
2. Certificate of Publication and Proof of Mailing for Petition 18-05 (Not Included with Report but on file in Planning, Building and Zoning Office).
3. Staff Report on Petition 18-08 Dated March 12, 2018.
4. Certificate of Publication and Proof of Mailing for Petition 18-08 (Not Included with Report but on file in Planning, Building and Zoning Office).
5. Staff Report on Petition 18-10 Dated March 14, 2018.
6. Certificate of Publication and Proof of Mailing for Petition 18-10 (Not Included with Report but on file in Planning, Building and Zoning Office).

**KENDALL COUNTY**  
**ZONING BOARD OF APPEALS**

**April 2, 2018**

In order to be allowed to present any testimony, make any comment, engage in cross-examination, or ask any question during this public hearing, you must enter your name, address, and signature on this form prior to the commencement of the public hearing. By signing this registration sheet, you agree that you understand that anything you say will be considered sworn testimony, and that you will tell the truth, the whole truth and nothing but the truth.

NAME	ADDRESS	SIGNATURE
Don Keson	1107 A S. Bridge St Joliet, IL	
Nick Porter	44W340 IC Trail Maple Park, IL 60151	
BARRY NILES	810 TER. LN. YORKVILLE	
Russ Ginn	1004 PERCINE WAY HAMPSHIRE, IL 60140	



## DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

### Petition 18-05

Keith and Kathleen Warpinski

Map Amendment Rezoning Property from A-1 to R-1

### INTRODUCTION

Keith and Kathleen Warpinski are requesting a map amendment rezoning the subject property from A-1 to R-1 in order to have the ability to construct a single-family home on the property.

### SITE INFORMATION

PETITIONER: Keith and Kathleen Warpinski

ADDRESS: Between 9239 and 9125 Walker Road

LOCATION: 0.31 Miles East of Route 47 on the North Side of Walker Road



TOWNSHIP: Kendall

PARCEL #: 05-21-400-011

LOT SIZE: 6.57 acres

EXITING LAND USE: Residential/Agricultural

ZONING: A-1 Agricultural District

LRMP:	Land Use	Agricultural
	Roads	Walker Road is a Township Road classified as a Minor Collector Road
	Trails	Trails are planned along Walker Road and along the Middle Aux Sable Creek
	Floodplain/Wetlands	The Middle Aux Sable Creek is located near the northern property line

REQUESTED ACTION: Map Amendment Rezoning Property from A-1 to R-1

APPLICABLE REGULATIONS: Section 13.07 – Map Amendment Procedures

#### **SURROUNDING LAND USE**

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Agricultural	A-1	Rural Res.; Trans. Corridor	A-1; A-1 SU
South	Agricultural/Residential	A-1	Rural Estate Res.; Comm.; Trans. Corridor	A-1
East	Agricultural/Residential	A-1	Rural Res.	A-1
West	Agricultural/Residential	A-1	Rural Res.; Comm.; Trans. Corridor	A-1; B-3

Two (2) houses are located east of the property; one (1) house is located to the south of the property; one (1) house is located west of the property.

Commonwealth Edison also has a planned area along the east side of Route 47.

#### **PHYSICAL DATA**

##### **ENDANGERED SPECIES REPORT**

EcoCAT Report submitted and consultation was terminated.

##### **NATURAL RESOURCES INVENTORY**

LESA Score was 200 indicating a low level of protection.

#### **ACTION SUMMARY**

##### **KENDALL TOWNSHIP**

Petition information was sent to Kendall Township 2.20.18. The Kendall Township Planning Commission met on 2.7.18 and the Township Board met on 2.20.18. Both bodies recommended ZBA Memo – Prepared by Matt Asselmeier – March 29, 2018

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denial of the request.

#### **UNITED CITY OF YORKVILLE**

Petition information was sent to the United City of Yorkville 2.20.18. The Yorkville Planning and Zoning Commission met on 3.14.18 and unanimously recommended approval of the proposal. The Yorkville City Council reviewed this proposal on 3.27.18 and expressed no objections.

#### **ZPAC**

ZPAC met on this proposal on 3.6.18 and unanimously recommended approval.

#### **KCRPC**

The Kendall County Regional Planning Commission reviewed this proposal on 3.28.18. They asked why the petitioners were pursuing a map amendment instead of an A-1 building permit. The petitioners' attorney responded that the publication and notification requirements were stricter for map amendments. Also, the County Board had a similar petitioner in 2017 and favored the map amendment approach instead of an A-1 building permit. The Kendall County Regional Planning Commission unanimously recommended approval of the proposal.

#### **GENERAL INFORMATION**

The petitioner desires the map amendment in order to have the ability to construct a house on the property at some point in the future. The subject property does not have an allocation for the construction of a home and does not possess forty (40) acres. Therefore, a map amendment is required in order to construct a home onsite.

The petitioner does not believe that the property is large enough for farming. Pictures of the property are included.

The Land Resource Management Plan calls for this area to be rural residential in the future. Existing single-family homes are located around the subject property. For these reasons, Staff does not believe that the approval of this request would constitute spot zoning.

The property is currently for sale.

#### **BUILDING CODES**

Any new homes or accessory structures would be required to meet applicable building codes.

#### **ACCESS**

The property fronts Walker Road. Pending comments from Kendall Township, Staff has no concerns regarding the ability of Walker Road to support a proposed home at this location.

#### **ODORS**

No new odors are foreseen.

#### **LIGHTING**

Any new lighting would be for residential use only. Staff does not foresee any concerns regarding lighting.

#### **SCREENING**

No fencing or buffer is presently planned for the property. Any new fences or plantings would be for a residential use. Any new fences would have to follow applicable regulations.

#### **STORMWATER**

The northern portion of the property touches the Middle Aux Sable Creek. Any new homes would have to be constructed per Kendall County's Stormwater Management Ordinance.

#### **UTILITIES**

Electricity is near the property. A new well and septic system would have to obtain applicable permits.

## **FINDINGS OF FACT**

*Existing uses of property within the general area of the property in question. The area is a mix of agricultural, farmstead, and rural estate residential uses.*

*The Zoning classification of property within the general area of the property in question. All of the adjacent properties are zoned A-1. However, six properties in the general area have a residential use.*

*The suitability of the property in question for the uses permitted under the existing zoning classification. The property is too small for most modern agricultural uses. Homes are located on adjoining properties and the subject property lacks an agricultural housing allocation which prevents the construction of a home on the property without a map amendment. The property would be suitable for most single-family residential related uses.*

*The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification. The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R-1 District shall be considered the highest classification and the M-2 District shall be considered the lowest classification. The proposed amendment fits the development of the area. This area will likely continue to become more residential if the United City of Yorkville continues to annex properties in the area. The proposed amendment benefits the petitioner by giving him the opportunity to sell the property for a residential purpose instead of a purely agricultural use.*

*Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The proposed amendment is consistent with the Land Resource Management Plan.*

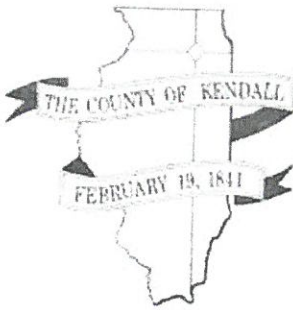
## **RECOMMENDATION**

Staff recommends approval of the proposed map amendment.

## **ATTACHMENTS**

1. Application Materials (Including the Petitioner's Findings of Fact, Plat, and EcoCat)
2. NRI Executive Report
3. Aerial
4. Looking North
5. East Side of Property
6. West Property Line (Spring Picture)
7. Looking South (Spring Picture)
8. Chismark 2.21.18 Email
9. ZPAC Minutes 3.5.18
10. KCRPC Minutes 3.28.18





## DEPARTMENT OF PLANNING, BUILDING &amp; ZONING


111 West Fox Street • Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

## APPLICATION

PROJECT NAME Warpinski Map Amendment FILE # 18-05

<b>NAME OF APPLICANT</b> Keith and Kathleen Warpinski		
<b>CURRENT LANDOWNER/NAME(s)</b> Keith and Kathleen Warpinski		
<b>SITE INFORMATION</b>		
ACRES 6.57 acres	SITE ADDRESS OR LOCATION N side of Walker Rd., Yorkville, IL	ASSESSOR'S ID NUMBER (PIN) 05-21-400-011
EXISTING LAND USE Agricultural	CURRENT ZONING A-1	LAND CLASSIFICATION ON LRMP
<b>REQUESTED ACTION</b> (Check All That Apply):		
<input type="checkbox"/> SPECIAL USE	<input checked="" type="checkbox"/> MAP AMENDMENT (Rezone to <u>R-1</u> )	<input type="checkbox"/> VARIANCE
<input type="checkbox"/> ADMINISTRATIVE VARIANCE	<input type="checkbox"/> A-1 CONDITIONAL USE for: _____	<input type="checkbox"/> SITE PLAN REVIEW
<input type="checkbox"/> TEXT AMENDMENT	<input type="checkbox"/> RPD ( <input type="checkbox"/> Concept; <input type="checkbox"/> Preliminary; <input type="checkbox"/> Final)	<input type="checkbox"/> ADMINISTRATIVE APPEAL
<input type="checkbox"/> PRELIMINARY PLAT	<input type="checkbox"/> FINAL PLAT	<input type="checkbox"/> OTHER PLAT (Vacation, Dedication, etc.)
AMENDMENT TO A SPECIAL USE ( <input type="checkbox"/> Major; <input type="checkbox"/> Minor)		
<b><sup>1</sup>PRIMARY CONTACT</b> Daniel J. Kramer	<b>PRIMARY CONTACT MAILING ADDRESS</b> 1107A S. Bridge Street	<b>PRIMARY CONTACT EMAIL</b> dkramer@dankramerlaw.com
<b>PRIMARY CONTACT PHONE #</b> 630-553-9500	<b>PRIMARY CONTACT FAX #</b> 630-553-5764	<b>PRIMARY CONTACT OTHER #</b> (Cell, etc.)
<b><sup>2</sup>ENGINEER CONTACT</b>	<b>ENGINEER MAILING ADDRESS</b>	<b>ENGINEER EMAIL</b>
<b>ENGINEER PHONE #</b>	<b>ENGINEER FAX #</b>	<b>ENGINEER OTHER #</b> (Cell, etc.)
I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.		
I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES.		
		DATE <u>5-19-17</u>

FEE PAID: \$ 500.00CHECK #                     <sup>1</sup>Primary Contact will receive all correspondence from County<sup>2</sup>Engineering Contact will receive all correspondence from the County's Engineering Consultants

RECEIVED

FEB 13 2018

KENDALL COUNTY  
PLANNING, BUILDING  
& ZONING  
Date Stamp Here If  
Check is Complete

Please fill out the following findings of fact to the best of your capabilities. § 13.07.F of the Zoning Ordinance lists the Finding of Fact criteria the Zoning Board of Appeals must answer in order to make a recommendation to the County Board on any **map amendment** request. They are as follows:

*Existing uses of property within the general area of the property in question.*

There is a slow trend of residential uses surrounding both the east and west side of this property. There are single family residences that adjoin on each of the east and west side of the subject property which are farmette/rural residential type uses. The Hattner Property has been subject of an Annexation Agreement with the United City of Yorkville. South of the property is farmland and will continue to be farmland not interrupted by this proposed use.

*The Zoning classification of property within the general area of the property in question.*

The property within the general area is a mix of City R-2/R-1 Single Family Residential, Business; the County Zoning surrounding the property is Agricultural although the uses are mixed between Agricultural and Residential.

*The suitability of the property in question for the uses permitted under the existing zoning classification.*

The subject property is not suitable by site acreage nor site usage for current modern row crop farming practices due to its small acreage size. The owners of the property have planted substantial nursery stock on the property which would be thinned out and sold off over the years, although the highest and best use of the property would be for a single family residential non-business type use which is the intent of the parties. The single family residential use as a rural residence, would comport with the adjoining owners on the east and west.

*The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification. The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R-1 District shall be considered the highest classification and the M-2 District shall be considered the lowest classification.*

The trend of development in the area is moderate residential growth and continuing agricultural growth until the United City of Yorkville expands on property subject to previous Annexation Agreements. Further the Property is within the one and one half mile planning area of the United City of Yorkville and shows as being anticipated to be low density residential.

*Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies.*

The proposal to develop the parcel as a one lot single family rural residence conports with the Kendall County Land Resource Management Plan in that the density would be lower than the contiguous growth area which would permit a higher density on the parcel.





201600011476

DEBBIE  
GILLETTE  
KENDALL COUNTY, IL

RECORDED 8/1/2016 2:44 PM  
MTGE. 49.00 RHSPS FEE. 18.00  
PAGES: 4

Space Above is for Recording Information

## ILLINOIS OPEN-END MORTGAGE

JGM407 (06/13)

Drafted By Greg J Davis Esq  
2000 Jacobssen Drive  
Normal IL 61761

Return To 1st Farm Credit Services  
Attn: Jillian Grzywa  
1350 W Prairie Drive  
Sycamore IL 60178  
No(s) 1111104100

## TOTAL PRINCIPAL INDEBTEDNESS SECURED BY THIS MORTGAGE SHALL NOT EXCEED \$150,000.00

This Mortgage dated July 25, 2016, is by Keith J. Warpinski (a/k/a Keith Warpinski) and Kathleen Warpinski (a/k/a Kathleen J. Warpinski) husband and wife (after this called "Mortgagor" whether one or more) whose mailing address is 23819 W Mill St Plainfield IL 60544 to 1st Farm Credit Services PCA (after this called "Mortgagee") a federally chartered corporation whose address is 2000 Jacobssen Drive Normal, IL 61761

For valuable consideration Mortgagor grants, sells, mortgages and warrants to Mortgagee, its successors and assigns, forever the real estate in the county or counties of Kendall and Will, Illinois, described in Exhibit A to this Mortgage, which is by this reference made a part of this Mortgage, together with all the fixtures, tenements, hereditaments and appurtenances belonging or in any way appertaining to this real estate. All of the preceding property and property rights, including the real estate described in Exhibit A, are after this collectively called the premises.

**THIS MORTGAGE SECURES** (a) the repayment of indebtedness in the principal sum of \$150,000.00 evidenced by 1 promissory note(s) as follows:

Date of Note(s)	Face Amount(s)	Maturity Date(s)
July 25, 2016	\$150,000.00	July 24, 2026

and any other indebtedness payable to Mortgagee evidenced by promissory notes secured by prior liens on the real estate described in Exhibit A, with interest as provided in the promissory notes, which may be variable or fixed and which may be converted from one to the other from time to time at the option of Mortgagor with the consent of Mortgagee, and all extensions, renewals and modifications thereof. (b) the repayment of all additional advances which Mortgagee may make from time to time to any one or more Mortgagor or to any one or more of the makers of the promissory notes prior to the release of this Mortgage, whether made before or after the maturity of the promissory notes, and whether evidenced by the same or other promissory notes given after this Mortgage, and any other future obligations of any one or more Mortgagor or these makers to Mortgagee, whether absolute or contingent, with interest as provided in the promissory notes, which may be variable or fixed as stated above and all extensions, renewals and modifications thereof. However, the maximum principal amount secured by this Mortgage at any one time, exclusive of interest, shall not exceed \$150,000.00 in the aggregate. If the unpaid principal amount at any one time exceeds this sum, this Mortgage shall secure that portion of the unpaid principal amount that does not exceed this sum and interest thereon. (c) notwithstanding the above limitation, the repayment of all other amounts with interest to which Mortgagee may become entitled under this Mortgage, and (d) the performance by Mortgagor of all the warranties, agreements and terms contained in this Mortgage.

By execution of this Mortgage, Mortgagor hereby acknowledges receipt of all of the proceeds of the loan evidenced by the above promissory note or notes.

All principal, interest and other sums or charges payable to Mortgagee and secured by this Mortgage are after this called the Indebtedness.

If the Indebtedness is paid to Mortgagee when due and Mortgagor keeps and performs all the warranties, agreements and terms contained in this Mortgage, then this Mortgage shall be void.

**MORTGAGOR WARRANTS THAT** (a) Mortgagor has fee simple title to the premises and good right to convey them; (b) Mortgagee shall quietly enjoy and possess the premises; and (c) except as expressly set forth in this Mortgage, the premises are free from all encumbrances and Mortgagor will warrant and defend title to the premises against all lawful claims.

**MORTGAGOR AGREES AS FOLLOWS**

**1. Discharge Liens.** To pay and discharge when due all present and future taxes, assessments, judgments, mortgages and liens on the premises and to perform every obligation imposed upon Mortgagor by the instruments creating these liens.

**2 Insurance** To keep insured all buildings and improvements now or later located on the premises against loss or damage by fire wind, flood (if Mortgagee requires) and extended coverage perils, in companies and amounts satisfactory to Mortgagee and to provide on request satisfactory proof of insurance. The insurance policy shall contain a loss payable clause in favor of Mortgagee providing all rights customarily granted under the standard mortgage clause. At Mortgagee's option insurance proceeds may be applied to the Indebtedness or be used for reconstruction of the damaged property or be released to Mortgagor for reconstruction. If this Mortgage is foreclosed, Mortgagor's interest in policies shall pass to Mortgagee.

**3 Protective Advances** If Mortgagor fails to pay taxes, assessments, judgments, mortgages or other liens on the premises or to maintain insurance as required by this Mortgage, Mortgagee may do so.

**4 Pro Rata Payments** Mortgagee may at its option, require Mortgagor to pay to Mortgagee at the same time as each regular installment of principal and interest an amount equal to a pro rata portion of the taxes, assessments and insurance premiums next to become due as estimated by Mortgagee.

**5 Protective Actions** In any collection or foreclosure activities or proceedings or if Mortgagor fails to perform any agreement or term contained in this Mortgage or if any proceeding is commenced which affects Mortgagee's interest in the premises (including but not limited to eminent domain, insolvency, bankruptcy code enforcement or probate), Mortgagee may (but is not obligated to) make such appearances, disburse such sums and take such actions as Mortgagee believes are necessary to protect its interest and preserve the value of the premises. This includes, but is not limited to, disbursement of reasonable attorneys' fees, court costs, costs of environmental audits and compliance, costs of appraisals and title evidence, and making repairs and maintenance. Mortgagee may inspect the premises at reasonable times including investigating the environmental condition of the premises and taking soil and water samples.

**6 Additions to Indebtedness** All amounts incurred or advanced by Mortgagee under paragraph 3 or 5 of this Mortgage shall be due immediately, shall bear interest as provided in the promissory note described in this Mortgage or the promissory note with the latest maturity date if more than one is described, and shall be secured by this Mortgage.

**7 Maintain Premises** (a) To not remove or permit to be removed any buildings, improvements or fixtures from the premises; (b) to maintain the premises in good repair and condition; (c) to cultivate the premises in a good, husbandlike manner; (d) to use the premises for farm purposes (if used for farm purposes on the date of this Mortgage); (e) to not cut or remove wood or timber from the premises except for domestic use; and (f) to neither commit nor permit waste of the premises. If the premises are abandoned or left unoccupied, Mortgagee may (but is not obligated to) go upon the premises to protect them against waste, vandalism or other damage without liability for trespass.

**8 Complete Improvements** To complete in a reasonable time any improvements now or later under construction on the premises.

**9 Use of Loan Proceeds** The proceeds of the Indebtedness shall be used solely for (a) the purposes specified in the loan application or, (b) other purposes Mortgagee may require or agree to in writing.

**10 Assignment of Rents** Mortgagor by this Mortgage assigns to Mortgagee to further secure the payment of the Indebtedness the rents, issues and profits of the premises now due or which may later become due. Upon Default under this Mortgage by Mortgagor, Mortgagee (a) shall immediately and without any further action to enforce its interest have an enforceable and perfected right to receive such rents, issues and profits; and (b) may in its sole discretion notify any or all tenants to pay directly to Mortgagee all such rents, issues and profits. This assignment shall be enforceable with or without appointment of a receiver and regardless of Mortgagee's lack of possession of the premises.

**11 Minerals and Eminent Domain** In this paragraph 11, minerals includes but is not limited to oil, gas, coal, lignite, rock, stone, gravel, sand, clay, peat and earth. Mortgagee shall at its option receive all sums which may accrue to Mortgagor from eminent domain proceedings or from the sale, lease, development or removal of minerals in and under the premises. These sums shall be applied to the Indebtedness as Mortgagee elects. Nothing in this Mortgage, however, obligates Mortgagee to accept these sums or constitutes consent to the sale, lease, development or removal of minerals, or obligates Mortgagee to receive any payment during foreclosure or a redemption period. If a lawful claimant enters or asserts a right of entry on the premises for the purpose of exploration, development or removal of minerals under reservation or conveyance paramount to this Mortgage, to the exclusion of and without compensation to Mortgagor, then, at the option of Mortgagee, the entire Indebtedness shall become due and payable.

**12 Actions Not Affecting Lien or Liability** Without affecting the priority of the lien of this Mortgage or the liability of Mortgagor or of any other party for the payment of the Indebtedness, Mortgagee may from time to time without notice to Mortgagor (a) release all or part of the premises from the lien of this Mortgage; (b) extend and defer the maturity of and renew and reamortize all or any part of the Indebtedness; (c) adjust interest rates as provided in the promissory note(s); and (d) release from liability for payment of the Indebtedness one or more parties who are or become liable for its payment.

**13 Hazardous Substances** To comply with all federal, state and local laws and the recommendations of all courts and government agencies concerning the generation, use, discharge, release, storage and disposal of hazardous substances, petroleum products, farm chemicals and general waste on the premises. Mortgagor warrants that no hazardous substances have previously been discharged, released, stored or disposed of on the premises and will take all remedial action necessary to remove any hazardous substance found on the premises during the term of this Mortgage or after default by Mortgagor. Mortgagor will indemnify Mortgagee, its directors, officers, employees and agents against all claims and losses, including court costs and attorneys' fees, arising directly or indirectly out of Mortgagor's failure to comply with this paragraph. This warranty and indemnity shall survive termination of this Mortgage.

**14 Events of Default** Each of the following constitutes a default of this Mortgage by Mortgagor (Default): (a) failure to pay when due any part of the Indebtedness; (b) failure to perform or observe any warranty, agreement or term contained in this Mortgage or in any promissory note(s) evidencing the Indebtedness or in any related loan agreement(s); (c) the appointment of a receiver, receiver pendente lite or liquidator, whether voluntary or involuntary, for any Mortgagor or for any of the property of any Mortgagor; (d) the commencement of any proceeding by or against any Mortgagor under the provisions of any bankruptcy or insolvency laws; (e) the making by any Mortgagor of an assignment for the benefit of creditors; (f) the sale or transfer without Mortgagee's prior written consent of all, any part of, or any interest in, the premises or any beneficial interest in a land trust holding title to the premises by Mortgagor or any party having a beneficial interest in the land trust; (g) the transfer without Mortgagee's prior written consent of stock in a corporation holding title to all or any part of the premises by any stockholder of such corporation if the result is that a majority of shares of the stock is owned by any parties who are not stockholders at the date of this Mortgage.

**15 Remedies on Default** Mortgagee may do any one or more of the following if a Default occurs under paragraph 14: (a) The entire Indebtedness may become immediately due without notice and bear interest as provided in the promissory note(s) evidencing

the Indebtedness and Mortgagee may collect this amount in a suit at law or by foreclosure of this Mortgage (b) Take possession of the premises upon filing a foreclosure action and have full authority to operate, manage, lease and conserve the premises to collect the rents, issues and profits from the premises to obtain hazard insurance to pay taxes and assessments when due, to employ counsel custodians and other assistants to make necessary repairs to exercise all the usual powers of receivers in like cases and to continue in possession of the premises until expiration of the statutory period of redemption All rents, issues and profits collected as Mortgagee in possession may, without prior approval of the court, be applied first to payment of the costs of management of the premises and then to the Indebtedness and Mortgagee shall be accountable only for those proceeds actually received, (c) At any sale held pursuant to a court decree all of the premises may be sold as one parcel and any law to the contrary is waived by Mortgagor, (d) Mortgagee may retain out of the sale proceeds amounts due Mortgagee under this Mortgage, the costs of the sale and attorneys' fees as provided by statute or court practice or in a reasonable amount (e) In any foreclosure action or other proceeding the court may appoint a receiver and receiver pendente lite for the premises with the usual powers provided by statute, and Mortgagor hereby consents to the appointment (f) If there is any security other than this Mortgage for the Indebtedness then Mortgagee may proceed upon this and the other security either concurrently or separately in any order it chooses (g) If this Mortgage secures multiple promissory notes, Mortgagee may apply foreclosure sale proceeds to the notes in the order and amounts it elects

16 **Cumulative Rights** All rights and remedies of Mortgagee in this Mortgage are cumulative and are in addition to other rights and remedies given in this Mortgage or provided by law

17 **Waiver** The failure or delay of Mortgagee to exercise any right is not a waiver of that right

18 **Successors** This Mortgage shall bind and benefit the parties to this Mortgage and their respective heirs, executors, administrators successors and assigns

19 **Waiver of State Rights** Mortgagor waives and relinquishes all rights given by the homestead and exemption laws of the State of Illinois

An electronic reproduction of this fully-executed document shall be as valid as the original

Keith J Warpinski

Kathleen Warpinski

STATE OF ILLINOIS

) ss

(Individual)

COUNTY OF Kendall

On 7-28-16 before me personally appeared Keith J Warpinski (a/k/a Keith Warpinski) and Kathleen Warpinski (a/k/a Kathleen J Warpinski) husband and wife to me known to be the person(s) described in and who executed the foregoing instrument and acknowledged the same as their free act and deed



Mark Ringhouse Notary Public  
County Illinois  
My Commission Expires 9-18-17

# Attachment 1, Page 6

## Exhibit A Legal Description

### Tract 1

Lot 80 in Rivers Edge Landing Unit 2, a Subdivision of Part of Section 6, Township 34 North, Range 9 East of the Third Principal Meridian, according to the plat thereof recorded September 17, 2004 as Document No R2004172391 in Will County, Illinois

### Tract 2

Lot 81 in Rivers Edge Landing Unit 2, a Subdivision of Part of Section 6, Township 34 North, Range 9 East of the Third Principal Meridian, according to the plat thereof recorded September 17, 2004, as Document No R2004172391 in Will County, Illinois

PIN#s 40-10-06-408-001, 04-10-06-304-033

517 & 521 Rivers Edge Dr

Minooka, IL 60447

PARCEL 1 THE EAST 429 00 FEET OF THE FOLLOWING DESCRIBED PROPERTY THAT PART OF THE SOUTHWEST 1/4 OF SECTION 22, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST 1/4 SECTION, THENCE WEST ALONG THE SOUTH LINE OF SAID SOUTHWEST 1/4 SECTION 660 0 FEET FOR THE POINT OF BEGINNING, THENCE CONTINUING WEST ALONG SAID SOUTH LINE 660 0 FEET, THENCE NORTH AT RIGHT ANGLES TO SAID SOUTH LINE, 660 0 FEET, THENCE EAST PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST 1/4 SECTION 660 0 FEET, THENCE SOUTH 660 0 FEET TO THE POINT OF BEGINNING, IN KENDALL COUNTY, ILLINOIS AND CONTAINING 6 5 ACRES

PARCEL 2 THAT PART OF THE SOUTHEAST 1/4 OF SECTION 21, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST 1/4, THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SOUTHEAST 1/4 981 53 FEET FOR THE POINT OF BEGINNING, THENCE EASTERLY ALONG SAID SOUTH LINE, 573 82 FEET, THENCE NORTHERLY PARALLEL WITH THE EAST LINE OF SAID SOUTHEAST 1/4 534 20 FEET, THENCE EASTERLY PARALLEL WITH SAID SOUTH LINE, WHICH FORMS AN ANGLE OF 90 DEGREES 23 MINUTES 18 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTER-CLOCKWISE THEREFROM, 37 39 FEET, THENCE NORTHERLY PARALLEL WITH SAID EAST LINE 703 0 FEET, THENCE WESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 93 DEGREES 02 MINUTES 23 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM, 612 81 FEET, TO A LINE DRAWN NORTHERLY, PARALLEL WITH THE WEST LINE OF THE SOUTHEAST 1/4 OF SAID SOUTHEAST 1/4 FROM THE POINT OF BEGINNING, THENCE SOUTHERLY ALONG SAID PARALLEL LINE 1273 84 FEET TO THE POINT OF BEGINNING, (EXCEPT THAT PART LYING EASTERLY OF A LINE DRAWN TO THE NORTH 1/2 FROM A POINT ON THE SOUTH LINE OF SAID SOUTHEAST QUARTER WHICH IS 744 3 FEET WESTERLY OF THE EAST LINE, AS MEASURED ALONG SAID SOUTH LINE FROM THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER) IN KENDALL TOWNSHIP, KENDALL COUNTY, ILLINOIS

PIN# 05-21-400-011, 05-22-300-008, 05-22-300-006





**Kendall County Soil & Water  
Conservation District**

7775A Route 47, Yorkville, Illinois 60560 • (630)553-5821 extension 3



[www.kendallswcd.org](http://www.kendallswcd.org)

### NATURAL RESOURCE INFORMATION (NRI) REPORT APPLICATION

**Petitioner:** Keith & Kahtleen Warpinski

**Contact Person:** Daniel J. Kramer

Address: [REDACTED]

1107A S Bridge Street

City, State, Zip: [REDACTED]

Yorkville, IL 60560

Phone Number: [REDACTED]

(63 ) 553-9500

Email: [REDACTED]

Dkramer@dankramerlaw.com

Please select: How would you like to receive a copy of the NRI Report? ☒ Email ☐ Mail

#### Site Location & Proposed Use

Township Name Kendall

Township \_\_\_\_\_ N, Range \_\_\_\_\_ E, Section(s) \_\_\_\_\_

Parcel Index Number(s) 05-21-400-011

Project or Subdivision Name Warpinski

Number of Acres 6.9

Current Use of Site vacant land

Proposed Use 1

Proposed Number of Lots 1

Proposed Number of Structures 1

Proposed Water Supply well

Proposed type of Wastewater Treatment septic

Proposed type of Storm Water Management \_\_\_\_\_

#### Type of Request

☒ Change in Zoning from A-1 to R-1 for 1 Single Family Home

☐ Variance (Please describe fully on separate page)

☐ Special Use Permit (Please describe fully on separate page)

Name of County or Municipality the request is being filed with: \_\_\_\_\_

In addition to this completed application form, please including the following to ensure proper processing:

☒ Plat of Survey/Site Plan – showing location, legal description and property measurements

☐ Concept Plan – showing the locations of proposed lots, buildings, roads, stormwater detention, open areas, etc.

☐ If available: topography map, field tile map, copy of soil boring and/or wetland studies

☐ NRI fee (Please make checks payable to Kendall County SWCD)

The NRI fees, as of July 1, 2010, are as follows:

Full Report: \$375.00 for five acres and under, plus \$18.00 per acre for each additional acre or any fraction thereof over five.

Executive Summary Report: \$300.00 (KCSWCD staff will determine when a summary or full report will be necessary.)

Fee for first five acres and under	\$ <u>375.00</u>
<u>2</u> Additional Acres at \$18.00 each	\$ <u>36.00</u>
<b>Total NRI Fee</b>	<b>\$ <u>411.00</u></b>

**NOTE:** Applications are due by the 1<sup>st</sup> of each month to be on that month's SWCD Board Meeting Agenda. Once a completed application is submitted, please allow 30 days for inspection, evaluation and processing of this report.

I (We) understand the filing of this application allows the authorized representative of the Kendall County Soil and Water Conservation District (SWCD) to visit and conduct an evaluation of the site described above. The completed NRI report expiration date will be 3 years after the date reported as:

Keith Warpinski

Petitioner or Authorized Agent

5-19-17

Date

This report will be issued on a nondiscriminatory basis without regard to race, color, religion, national origin, age, sex, handicap or marital status.

#### FOR OFFICE USE ONLY

NRI# \_\_\_\_\_ Date initially rec'd \_\_\_\_\_ Date all rec'd \_\_\_\_\_ Board Meeting \_\_\_\_\_  
Fee Due \$ \_\_\_\_\_ Fee Paid \$ \_\_\_\_\_ Check # \_\_\_\_\_ Over/Under Payment \_\_\_\_\_ Refund Due \_\_\_\_\_



Applicant: DKR Group, Inc.  
 Contact: Thomas Osterberger  
 Address: 111 N. Ottawa Street  
 Joliet, IL 60432

IDNR Project Number: 1707421  
 Date: 02/21/2017

Project: NA  
 Address: Walker Road, Unincorporated

Description: Issuance of a special Use for a landscape business to allow storage of landscape equipment in 6,000 square foot farm building.

### Natural Resource Review Results

#### Consultation for Endangered Species Protection and Natural Areas Preservation (Part 1075)

The Illinois Natural Heritage Database contains no record of State-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves, or registered Land and Water Reserves in the vicinity of the project location.

**Consultation is terminated.** This consultation is valid for two years unless new information becomes available that was not previously considered; the proposed action is modified, or additional species, essential habitat, or Natural Areas are identified in the vicinity. If the project has not been implemented within two years of the date of this letter, or any of the above listed conditions develop, a new consultation is necessary. Termination does not imply IDNR's authorization or endorsement.

#### Location

The applicant is responsible for the accuracy of the location submitted for the project.

County: Kendall

Township, Range, Section:  
 36N, 7E, 21



IL Department of Natural Resources  
 Contact  
 Keith Shank  
 217-785-5500  
 Division of Ecosystems & Environment

Government Jurisdiction  
 Kendall County  
 Matt Asselmeier  
 111 West Fox Street  
 Yorkville, Illinois 60560

#### Disclaimer

The Illinois Natural Heritage Database cannot provide a conclusive statement on the presence, absence, or condition of natural resources in Illinois. This review reflects the information existing in the Database at the time of this inquiry, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are encountered during the project's implementation, compliance with applicable statutes and regulations is required.

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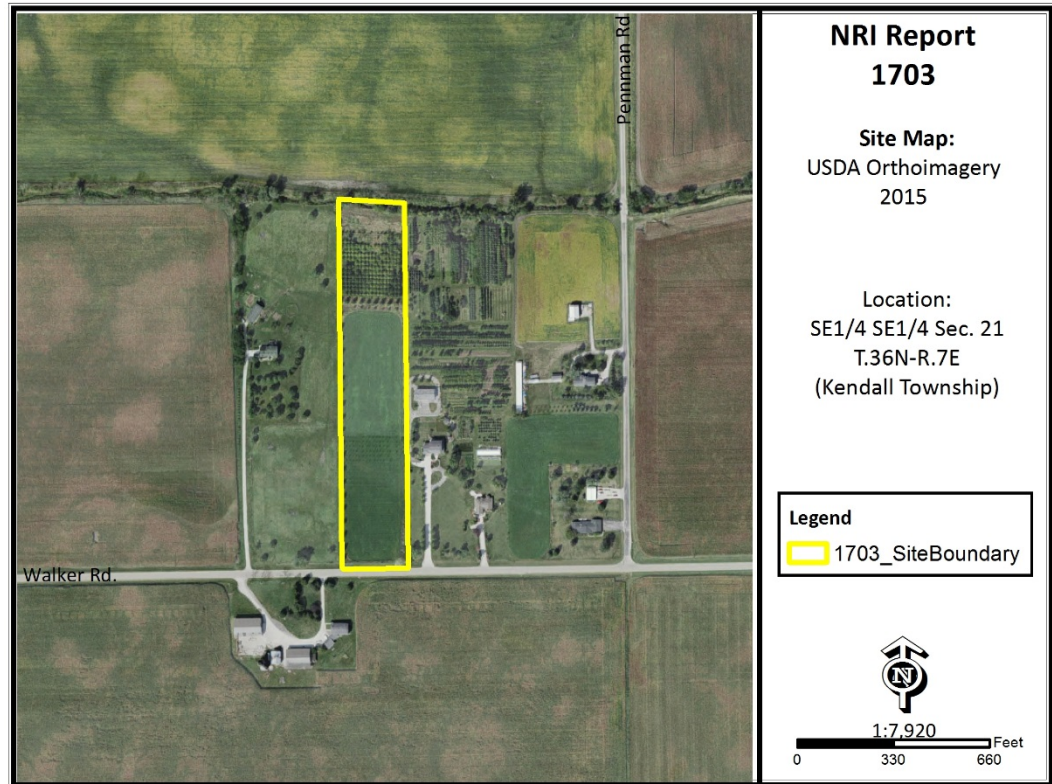
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Page 1 of 3





# NATURAL RESOURCE INFORMATION (NRI) EXECUTIVE SUMMARY REPORT: 1703



June 2017

Petitioner: Keith & Kathleen Warpinski  
Contact: Attorney Daniel J. Kramer

Prepared by:



**Kendall County Soil & Water  
Conservation District**

7775A Route 47 • Yorkville, Illinois 60560  
Phone: (630)553-5821 x3 • Fax: (630)553-7442  
[www.kendallswcd.org](http://www.kendallswcd.org)

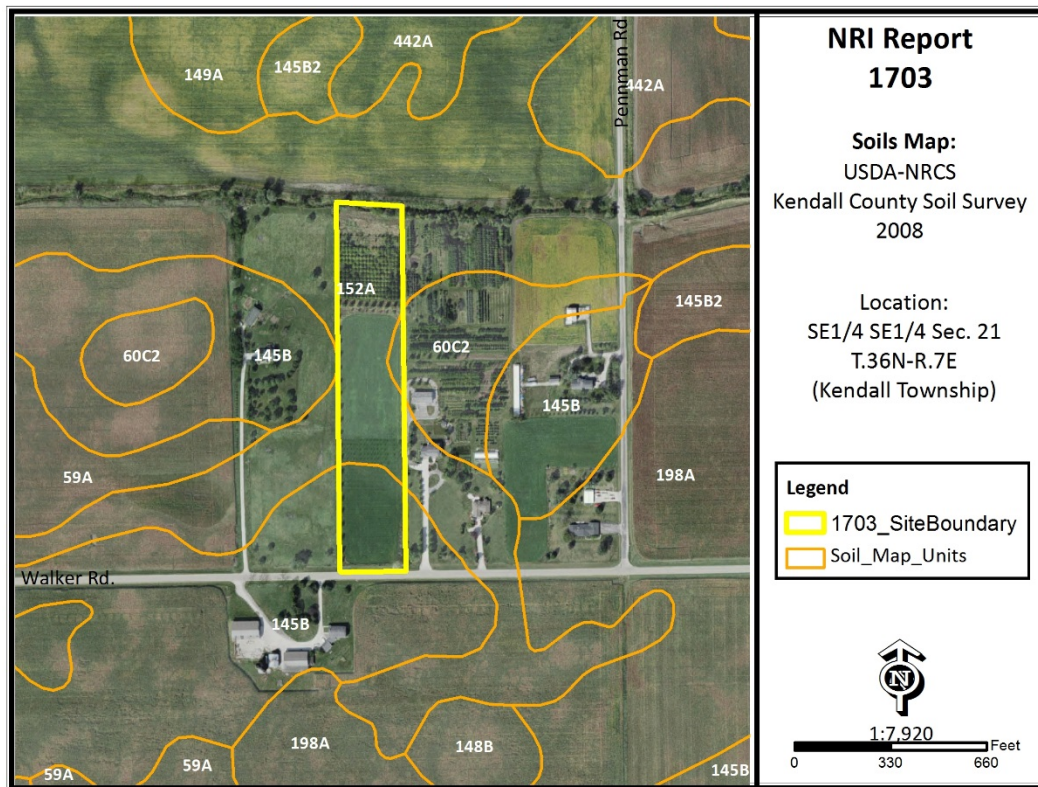
1703

## Executive Summary

June 12, 2017

**Petitioner:** Keith & Kathleen Warpinski**Contact Person:** Attorney Daniel J. Kramer**County or Municipality the petition is filled with:** Kendall County**Location of Parcel:** SE¼ Section 21 T.36N.-R.7E. (Kendall Township) of the 3<sup>rd</sup> Principal Meridian in Kendall Co., IL**Project or Subdivision Name:** N/A**Existing Zoning & Land Use:** A-1 Agricultural; Vegetation, Trees**Proposed Zoning & Land Use:** R-1; Single Family Home**Proposed Water Source:** Well**Proposed Type of Sewage Disposal System:** Septic**Proposed Type of Storm Water Management:** None**Size of Site:** 6.9 acres**Land Evaluation Site Assessment (LESA) Score:** 200

## Natural Resource Concerns

Soil Map:**SOIL INFORMATION:**

Based on information from the United States Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS) 2008 Kendall County Soil Survey, this parcel is shown to contain the following soil types (please note this does not replace the need for or results of onsite soil testing; please refer to onsite soil test results for planning/engineering purposes):

**Table 1:**

Map Unit	Soil Name	Drainage Class	Hydrologic Group	Hydric Designation	Farmland Designation
60C2	La Rose silt loam, 5-10% slopes, eroded	Moderately well drained	C	Non-hydric	Farmland of Statewide Importance
145B	Saybrook silt loam, 2-5% slopes	Moderately well drained	C	Non-hydric	Prime Farmland
152A	Drummer silty clay loam, 0-2% slopes	Poorly Drained	B/D	Hydric	Prime Farmland if drained

**Hydrologic Soil Groups:** Soils have been classified into four (A, B, C, D) hydrologic groups based on runoff characteristics due to rainfall. If a soil is assigned to a dual hydrologic group (A/D, B/D or C/D), the first letter is for drained areas and the second letter is for undrained areas.

- ✓ **Hydrologic group A:** Soils have a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.
- ✓ **Hydrologic group B:** Soils have a moderate infiltration rate when thoroughly wet, consist chiefly of moderately deep to deep, moderately well drained to well drained soils that have a moderately fine to moderately coarse texture. These soils have a moderate rate of water transmission.
- ✓ **Hydrologic group C:** Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.
- ✓ **Hydrologic group D:** Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

**Hydric Soils:** A soil that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part of the soil profile. Of the soils found onsite, 152A Drummer silty clay loam is classified as a hydric soil.

**Prime Farmland:** Prime farmland is land that has the best combination of physical and chemical characteristics for agricultural production. Prime farmland soils are an important resource to Kendall County and some of the most productive soils in the United States occur locally. Of the soils found onsite, two are designated as prime farmland: 152A Drummer silty clay loam and 145B Saybrook silt loam.

**Table 2:**

Map Unit	Surface Runoff	Water Table	Ponding	Flooding
60C2	High	February – April Upper Limit: 2.0'-3.5' Lower Limit: 2.2'-4.0'	February – April Surface Water Depth & Duration: -- Frequency: None	February – April None
145B	Low	February – April Upper Limit: 2.0'-3.5' Lower Limit: 2.2'-3.8'	February – April Surface Water Depth & Duration: -- Frequency: None	February – April None
152A	Negligible	January - May Upper Limit: 0.0'-1.0' Lower Limit: >6.0'	January – May Brief, Frequent Surface Water Depth: 0.0-0.5'	January - May None

**Surface Runoff:** Refers to the loss of water from an area by flow over the land surface. Surface runoff classes are based upon slope, climate and vegetative cover. Indicates relative runoff for very specific conditions (it is assumed that the surface of the soil is bare and that the retention of surface water resulting from irregularities in the ground surface is minimal).

**Ponding:** Ponding is standing water in a closed depression. Unless a drainage system is installed, the water is removed only by percolation, transpiration or evaporation. Duration is expressed as very brief (less than 2 days), brief (2 to 7 days), long (7 to 30 days), very long (more than 30 days). Frequency is expressed as none (ponding is not probable), rare (unlikely but possible under unusual weather conditions), occasional (occurs, on average, once or less in 2 years) and frequent (occurs, on average, more than once in 2 years).

**Flooding:** Temporary inundation of an area caused by overflowing streams, by runoff from adjacent slopes, or by tides. Water standing for short periods after rainfall or snowmelt is not considered flooding, and water standing in swamps and marshes is considered ponding rather than flooding. Duration expressed as brief is 2 to 7 days and a frequent frequency means that it is likely to occur often under normal weather conditions.

**SOIL LIMITATIONS:**

According to the USDA-NRCS, soil properties influence the development of building sites, including the selection of the site, the design of the structure, construction, performance after construction and maintenance. This report gives ratings for proposed uses in terms of limitations and restrictive features. The tables list only the most restrictive features. Ratings are based on the soil in an undisturbed state, that is, no unusual modification occurs other than that which is considered normal practice for the rated use. Even though soils may have limitations, an engineer may alter soil features or adjust building plans for a structure to compensate for most degrees of limitations. The final decision in selecting a site for a particular use generally involves weighing the costs for site preparation and maintenance.

- ✓ **Not Limited:** Indicates that the soil has features that are very favorable for the specified use; good performance and low maintenance can be expected.
- ✓ **Somewhat Limited:** Indicates that the soil has features that are moderately favorable for the specified use. The limitations can be overcome or minimized by special planning, design or installation; fair performance and moderate maintenance can be expected.
- ✓ **Very Limited:** Indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures; poor performance and high maintenance can be expected.

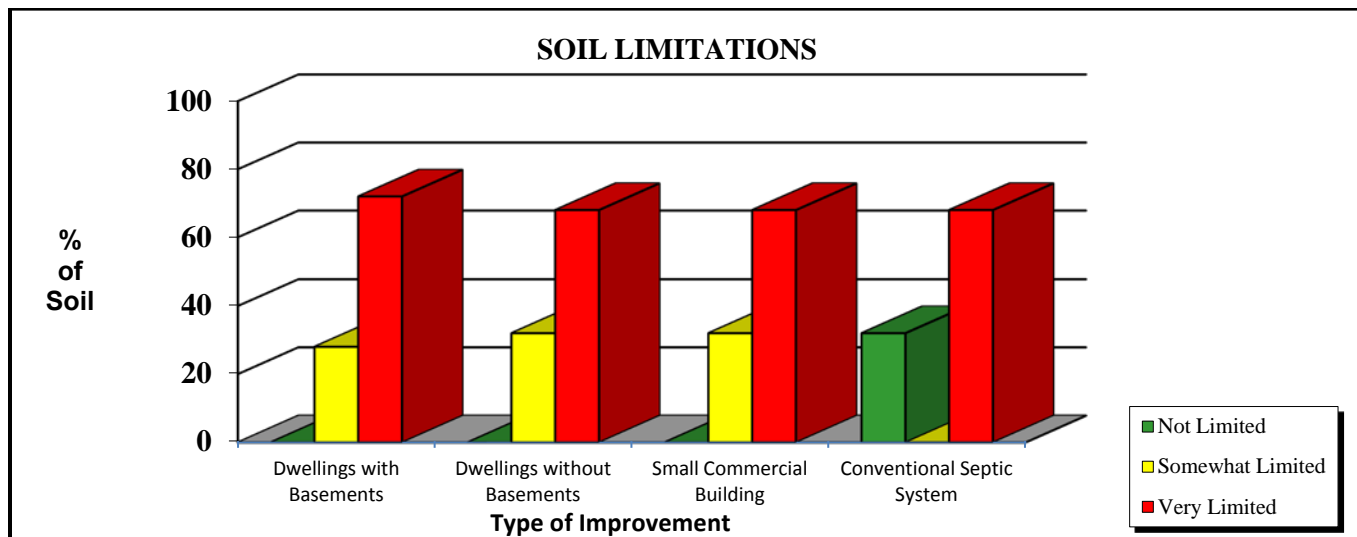
**Conventional Septic System Rating Criteria:**

The factors considered are the characteristics and qualities of the soil that affect the limitations for absorbing waste from domestic sewage disposal systems. Soils that are deemed unsuitable for installation of an on-site sewage disposal system per the Kendall County Subdivision Control Ordinance may necessitate the installation of a non-conventional onsite sewage disposal system. For more information please contact: Kendall County Health Department located at 811 W. John Street, Yorkville, IL; (630)553-9100 ext. 8026.

Limitations are listed below for dwellings with basements, dwellings without basements, and conventional sewage disposal systems. Please note this information is based on information compiled as part of the USDA-NRCS 2008 Soil Survey of Kendall County, IL and the Kendall County Subdivision Control Ordinance; this does not replace the need for site specific soil testing or results of onsite soil testing.

**Table 3: Building Limitations**

Soil Type	Dwellings with Basements	Dwellings without Basements	Small Commercial Building	Onsite Conventional Sewage Disposal System
60C2	<b>Very Limited:</b> Depth to saturated zone	<b>Somewhat Limited:</b> Depth to saturated zone	<b>Somewhat Limited:</b> Slope Depth to saturated zone	<b>Suitable</b>
145B	<b>Somewhat Limited:</b> Depth to saturated zone	<b>Somewhat Limited:</b> Shrink-swell	<b>Somewhat Limited:</b> Shrink-swell	<b>Suitable</b>
152A	<b>Very Limited:</b> Depth to saturated zone Shrink-swell	<b>Very Limited:</b> Depth to saturated zone Shrink-swell	<b>Very Limited:</b> Depth to saturated zone Shrink-swell	<b>Unsuitable</b> Reason to avoid: Wet





**Building Limitations Map:**

Figure 2a: Dwellings with Basements

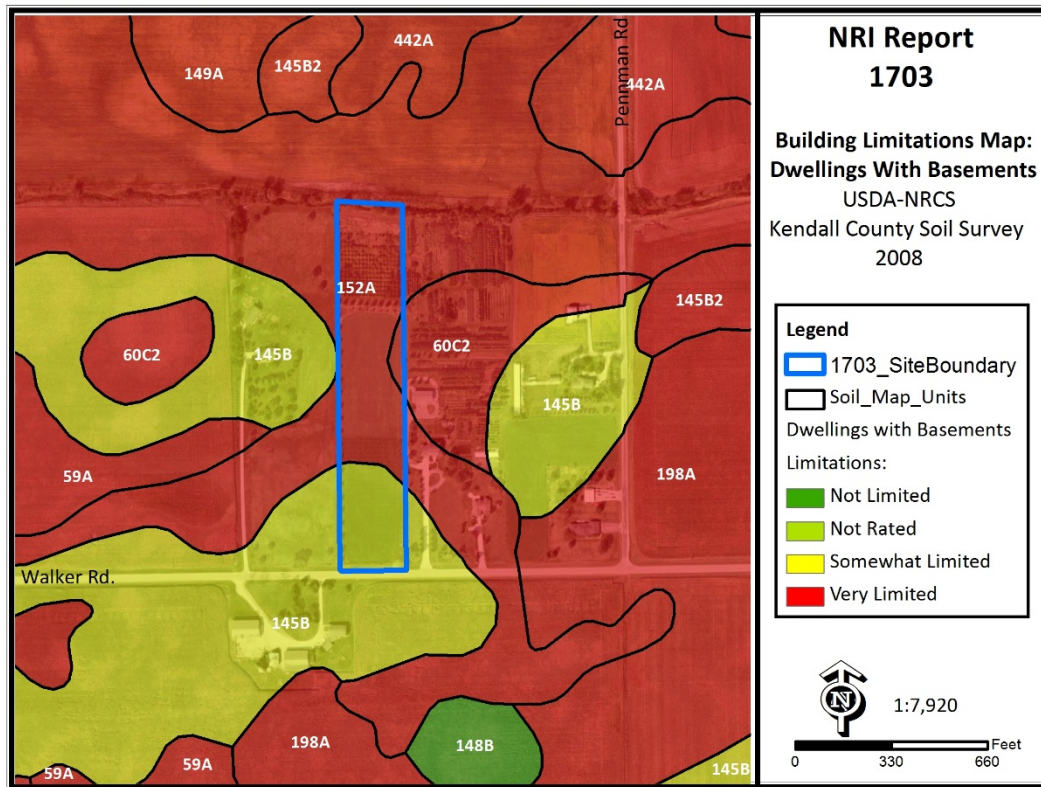
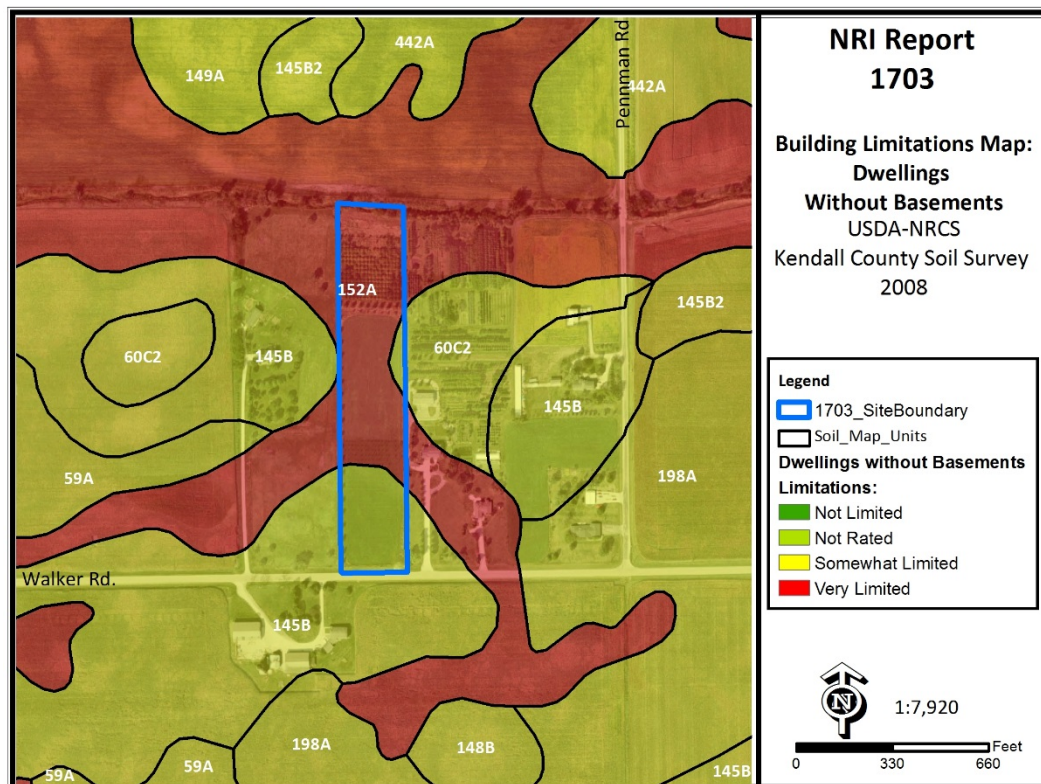


Figure 2b: Dwellings without Basements



**Kendall County Land Evaluation and Site Assessment (LESA):**

Decision-makers in Kendall County use the Land Evaluation and Site Assessment (LESA) system to determine the suitability of a land use change and/or a zoning request as it relates to agricultural land. The LESA system was developed by the United States Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS) and takes into consideration local conditions such as physical characteristics of the land, compatibility of surrounding land-uses, and urban growth factors. The LESA system is a two-step procedure that includes:

- **LAND EVALUATION (LE)** – The soils of a given area are rated and placed in groups ranging from the best to worst suited for a stated agriculture use, cropland or forestland. The best group is assigned a value of 100 and all other groups are assigned lower values. The Land Evaluation is based on data from the Kendall County Soil Survey. The Kendall County Soil and Water Conservation District is responsible for this portion of the LESA system.
- **SITE ASSESSMENT (SA)** – The site is numerically evaluated according to important factors that contribute to the quality of the site. Each factor selected is assigned values in accordance with the local needs and objectives. The Kendall County LESA Committee is responsible for this portion of the LESA system.

**Table 4a: Land Evaluation Computation**

Soil Type	Value Group	Relative Value	Acres	Product (Relative Value x Acres)
60C2	5	82	0.3	24.6
145B	2	94	1.9	178.6
152A	1	100	4.7	470.0
<b>Totals</b>			<b>6.9</b>	<b>673.2</b>
<b>LE Score</b>		<b>LE= 673.2/6.9</b>		<b>LE=97.6 (98)</b>

The Land Evaluation score for this site is **98**, indicating that this site is predominately prime farmland well suited for agricultural production.

**Table 4b: Site Assessment Computation**

A.	Agricultural Land Uses	Points
	1. Percentage of area in agricultural uses within 1.5 miles of site. (20-10-5-0)	20
	2. Current land use adjacent to site. (30-20-15-10-0)	20
	3. Percentage of site in agricultural production in any of the last 5 years. (20-15-10-5-0)	0
	4. Size of site. (30-15-10-0)	0
<b>B.</b>	<b>Compatibility / Impact on Uses</b>	
	1. Distance from city or village limits. (20-10-0)	20
	2. Consistency of proposed use with County Land Resource Management Concept Plan and/or municipal comprehensive land use plan. (20-10-0)	0
	3. Compatibility of agricultural and non-agricultural uses. (15-7-0)	7
<b>C.</b>	<b>Existence of Infrastructure</b>	
	1. Availability of public sewage system. (10-8-6-0)	10
	2. Availability of public water system. (10-8-6-0)	10
	3. Transportation systems. (15-7-0)	7
	4. Distance from fire protection service. (10-8-6-2-0)	8
	<b>Site Assessment Score:</b>	<b>102</b>

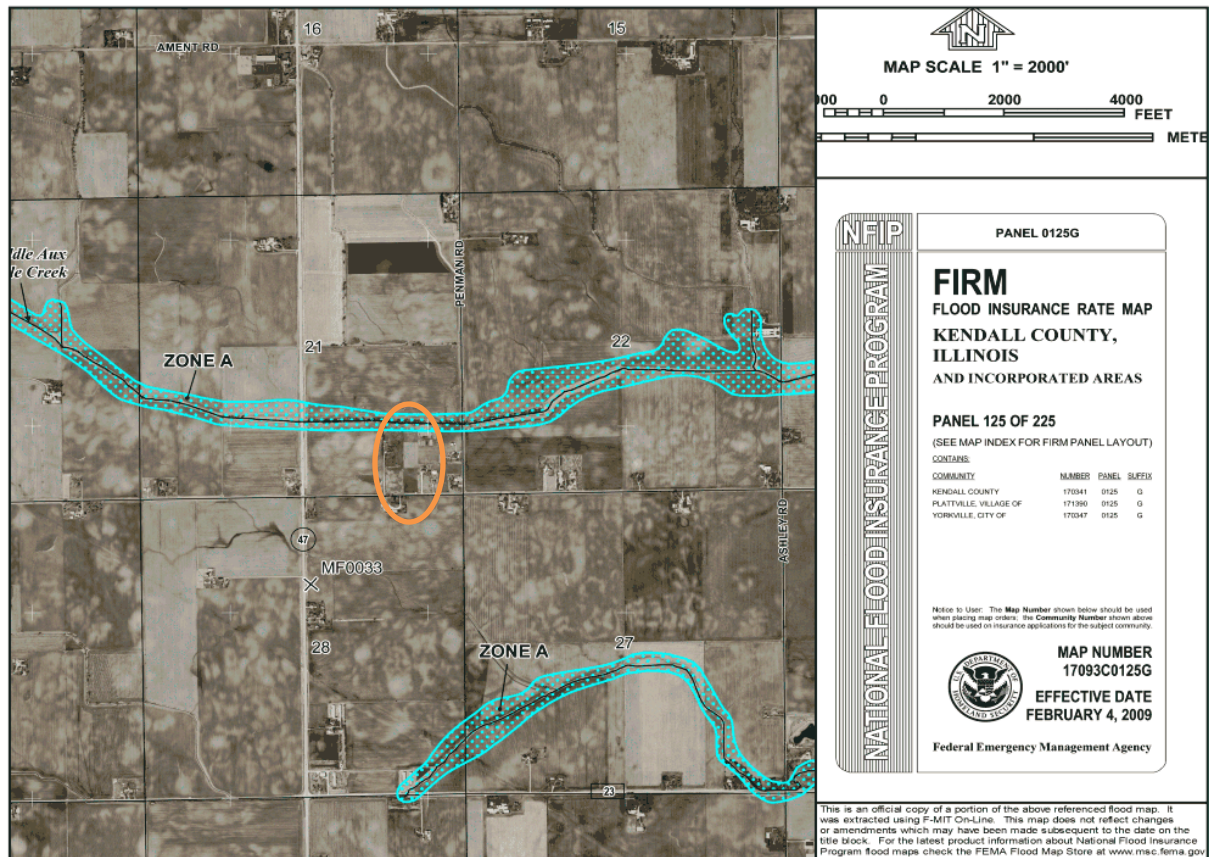
**Land Evaluation Value: 98 + Site Assessment Value: 102 = LESA Score: 200**

LESA SCORE	LEVEL OF PROTECTION
0-200	Low
201-225	Medium
226-250	High
251-300	Very High

The **LESA Score for this site is 200** which indicates a **low level of protection** for the proposed project site. Note: Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County.

**Wetlands:** The U.S. Fish & Wildlife Service's National Wetland Inventory map **does not indicate** the presence of a wetland on the project site. If a wetland is present and will be impacted by the project, a wetland delineation specialist, who is recognized by the U.S. Army Corps of Engineers, should determine the exact boundaries and value of the wetlands.

**Floodplain:** A portion of the parcel is located within the floodplain.



**Sediment and Erosion Control:** Development on this site should include an erosion and sediment control plan in accordance with local, state and federal regulations. Soil erosion on construction sites is a resource concern because suspended sediment from areas undergoing development is a primary nonpoint source of water pollution. Please consult the *Illinois Urban Manual* (<http://www.aiswcd.org/illinois-urban-manual/>) for appropriate best management practices.



**LAND USE OPINION:**

The Kendall County Soil and Water Conservation District (SWCD) Board has reviewed the proposed development plans for Petitioner Keith & Kathleen Warpinski for the proposed Warpinski project. This parcel is located in Section 21 of Kendall Township (T.36N.-R.7E. of the 3<sup>rd</sup> Principal Meridian) in Kendall County. Based on the information provided by the petitioner and a review of natural resource related data available to the Kendall County SWCD, the SWCD Board has the following opinions and recommendations.

The Kendall County SWCD has always had the opinion that Prime Farmland should be preserved whenever feasible. A land evaluation, which is a part of the Land Evaluation and Site Assessment (LESA) was conducted on this parcel. The soils on this parcel scored a 99 out of a possible 100 points indicating the soils found on the project site are predominately prime farmland well suited for agricultural production. Overall, the LESA score was 200 indicating a low level of protection as selecting a project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County. Of the soils identified onsite, two (145B and 152A) are designated as prime farmland; the remaining soil (60C2) is noted as farmland of statewide importance.

For proposed land uses, soils can have potential limitations. This report indicates that for soils located on the parcel, 72% of the soils are very limited for dwellings with basements; 68% of the soils are very limited for dwellings without basements, small commercial building and conventional septic systems. This information is based on the soil in an undisturbed state and does not replace the need for site specific soil testing. Some soil reclamation, special design, or maintenance may be required to obtain suitable soil conditions to support development with significant limitations. Additionally, if the scope of the project includes the use of onsite septic systems, please consult with the Kendall County Health Department.

This site is located within the Illinois River Watershed and Middle Branch Aux Sable Creek subwatershed.

This development should include a soil erosion sediment control plan to be implemented during construction. Sediment may become a primary non-point source of pollution. Eroded soils during the construction phase can create unsafe conditions on roadways, degrade water quality and destroy aquatic ecosystems lower in the watershed.

For intense project uses it may be necessary to have a drainage tile survey completed on the parcel to locate any subsurface drainage tile if suspected onsite. Drainage tile expedites drainage and facilitates farming. It is imperative that these drainage tiles remain undisturbed. Impaired tile may affect a few acres or hundreds of acres of drainage.

The information that is included in this Natural Resources Information Report is to assure the Land Developers take into full consideration the limitations of that land that they wish to develop. Guidelines and recommendations are also a part of this report and should be considered in the planning process. The Natural Resource Information Report is required by the Illinois Soil and Water Conservation District Act (Ill. Compiled Statutes, Ch. 70, Par 405/22.02a).

Deanna Breen  
Chair

6/12/17  
Date















Attachment 6 West Property  
Line-Spring





## Attachment 7 Looking South (Spring)



# Attachment 8

## Matt Asselmeier

---

**From:** Greg Chismark [gchismark@wbkengineering.com]  
**Sent:** Wednesday, February 21, 2018 8:32 PM  
**To:** Matt Asselmeier  
**Subject:** RE: March 6 ZPAC Meeting Packet

Matt,

I have nothing to add to the Warpinki petition. The staff report correctly cites the floodplain and requirements for compliance. If you need anything else from me let me know.

Greg

### Greg Chismark P.E.

Municipal Practice Principal

### WBK Engineering, LLC

116 West Main Street, Suite 201, St. Charles, Illinois 60174  
P: 630.443.7755 D: 630.338.8527

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**From:** Matt Asselmeier [mailto:masselmeier@co.kendall.il.us]  
**Sent:** Wednesday, February 21, 2018 5:12 PM  
**To:** Aaron Rybski <ARybski@co.kendall.il.us>; Andrews, Megan - NRCS-CD, Yorkville, IL <Megan.Andrews@il.nacdnet.net>; Brian Holdiman <BHoldiman@co.kendall.il.us>; David Guritz <dguritz@co.kendall.il.us>; Donald L. Clayton <dclayton@co.kendall.il.us>; Fran Klaas <FKlaas@co.kendall.il.us>; Greg Chismark <gchismark@wbkengineering.com>; Jason Langston <JLangston@co.kendall.il.us>; Robert Davidson <rddavidson@co.kendall.il.us>; Scott Koeppel <skoeppeel@co.kendall.il.us>; Ray Eberhardt <REberhardt@co.kendall.il.us>  
**Subject:** March 6 ZPAC Meeting Packet

ZPAC Members:

Attached please find the packet for the March 6<sup>th</sup> meeting.

If you have any questions, please let me know.

Thanks,

Matthew H. Asselmeier, AICP  
Senior Planner  
Kendall County Planning, Building & Zoning  
111 West Fox Street  
Yorkville, IL 60560-1498  
PH: 630-553-4139  
Fax: 630-553-4179

# Attachment 9, Page 1

## ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC) March 6, 2018 – Unapproved Meeting Minutes

Senior Planner Matt Asselmeier called the meeting to order at 9:03 a.m.

### Present:

Aaron Rybski – Health Department  
Sgt. Ray Eberhardt – Sheriff's Department  
Don Clayton – GIS  
Fran Klaas – Highway Department  
Pam Herber – PBZ Department  
Matt Asselmeier – PBZ Department

### Absent:

Greg Chismark – WBK Engineering, LLC  
David Guritz – Forest Preserve  
Megan Andrews – Soil and Water Conservation District  
Robert Davidson – PBZ Committee Chair

### Audience:

Dan Kramer representing Keith and Kathleen Warpinski

### AGENDA

Mr. Klaas made a motion, seconded by Mr. Clayton, to approve the agenda as proposed. With a voice vote of all ayes the motion carried.

### MINUTES

Mr. Klaas made a motion, seconded by Mr. Rybski, to approve the February 6, 2018 meeting minutes. With a voice vote of all ayes the motion carried.

### PETITIONS

#### **Petition 18-05 Keith and Kathleen Warpinski – Map Amendment Rezoning the Subject Property from A-1 to R-1; Property is Located on the North Side of Walker Road Approximately 0.31 Miles East of Route 47 (PIN: 05-21-400-011) in Kendall Township**

Attorney Dan Kramer summarized the request. The property is slightly over six (6) acres. There are approximately six (6) homes around the property. All of the adjoining properties are zoned A-1. Mr. Kramer noted that his client was open to an A-1 Conditional Use Permit for a house, but chose the map amendment route because of the stricter publication requirements. Mr. Kramer noted that property owner was open to dedicating land for a trail on both the north and south sides of the property. Mr. Kramer also noted that the property was subject to a special use request in 2017 for a landscaping business; this proposal was withdrawn. The property does not have prospective buyer at this time. Mr. Kramer reported that the Kendall Township Planning Commission and Kendall Township Board issued negative recommendations.

Mr. Klaas requested that page 5 of the report be corrected to show Walker Road as a township road.

Mr. Klaas asked about the pipeline easement. Mr. Kramer responded that the pipeline easement remains active.

Mr. Rybski noted that an alternative sewer system will be required at the time of development because of soil issues.

Mr. Klaas asked, if the proposal is approved, could a landscape business go on the site. The answer to this question was no.

Mr. Rybski made a motion, seconded by Mr. Klaas, to recommend approval of the proposal.

Ayes (6): Klaas, Eberhardt, Rybski, Clayton, Herber, and Asselmeier  
Nays (0): None  
Absent: (4) Guritz, Andrews, Davidson, and Chismark

The motion passed unanimously. This matter will go before the Kendall County Regional Planning Commission on March 28<sup>th</sup>.

## **Petition 18-07 Kendall County Planning, Building and Zoning Committee – Text Amendment to Section 13.08 Adding Sub-Section R Pertaining to Renewal of Special Use Permits**

Mr. Asselmeier provided a summary of this proposed text amendment. The proposal clarifies the procedure for renewing a special use permit. If a special use permit holder does not violate the terms of their special use permit, the special use permit shall be automatically renewed. If a special use permit holder is found guilty of violating the terms of their special use permit, the holder would have to go through the special use permitting process in full in order to renew the special use permit. The County Board could request changes to the special use permit, but the County would have to pay for all applicable notification requirements. Twenty-seven (27) special use permits exist that require some form of review. The proposal contains a provision allowing those special use permit holders to forfeit grandfathering.

Mr. Rybski asked if the special use permits would be actively renewed. Mr. Asselmeier noted that the existing special uses are exempt the proposal. Also, if an existing special use permit holder wants an amendment to their special use, the County could require that they follow this new regulation.

Mr. Rybski made a motion, seconded by Mr. Clayton, to recommend approval of the proposal.

Ayes (6): Klaas, Eberhardt, Rybski, Clayton, Herber, and Asselmeier  
Nays (0): None  
Absent: (4) Guritz, Andrews, Davidson, and Chismark

The motion passed unanimously. This matter will go before the Kendall County Regional Planning Commission on March 28<sup>th</sup>.

## **REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD**

Mr. Asselmeier reported that Petition 17-30 was approved by the County Board. Mr. Asselmeier also reported that the petition transferring the power and duties to hear special use permits from the Hearing Officer to the Zoning Board of Appeals and the petition increasing notification distances for A-1 special use permits will go to the Planning, Building and Zoning Committee on March 12<sup>th</sup> and could go to the County Board on March 21<sup>st</sup>.

## **OLD BUSINESS/NEW BUSINESS**

None

## **PUBLIC COMMENT**

None

## **ADJOURNMENT**

Mr. Klaas made a motion, seconded by Mr. Rybski, to adjourn. With a voice vote of all ayes, the motion carried. The ZPAC, at 9:22 a.m., adjourned.

Respectfully Submitted,  
Matthew H. Asselmeier, AICP  
Senior Planner



**KENDALL COUNTY  
REGIONAL PLANNING COMMISSION**

*Kendall County Office Building  
Rooms 209 & 210  
111 W. Fox Street, Yorkville, Illinois*

**Unapproved Meeting Minutes of March 28, 2018**

Chairman Ashton called the meeting to order at 7:00 p.m.

**ROLL CALL**

Members Present: Bill Ashton, Roger Bledsoe, Larry Nelson, Ruben Rodriguez, Claire Wilson, Budd Wormley, and Angela Zubko

Members Absent: Tom Casey and John Shaw

Staff Present: Matthew H. Asselmeier, Senior Planner

In the Audience: Dan Kramer, Pat Kinnally, Roger Smith, and George Ostreko

**APPROVAL OF AGENDA**

Mr. Wormley made a motion, seconded by Mr. Bledsoe, to approve the agenda as presented. With a voice vote of all ayes, the motion carried.

**APPROVAL OF MINUTES**

Mr. Nelson made a motion, seconded by Mr. Wormley, to approve the February 28, 2018, joint meeting minutes with the Comprehensive Land Plan and Ordinance Committee and the February 28, 2018, Kendall County Regional Planning Commission meeting minutes as presented. With a voice vote of all ayes, the motion carried.

**PETITION**

**Petition 18-05-Keith and Kathleen Warpinski**

Mr. Asselmeier summarized the request. The petitioners desire a map amendment in order to be able to construct a house on the property.

ZPAC reviewed the proposal on March 6<sup>th</sup> and unanimously recommended approval.

The Kendall Township Planning Commission and Kendall Township Board reviewed the proposal in February and recommended denial. Kendall Township will not be submitting a formal objection.

The United City of Yorkville's Planning and Zoning Commission met on March 14<sup>th</sup> and recommended approval. The United City of Yorkville's City Council met on March 27<sup>th</sup> and expressed no objections to the proposal.

Dan Kramer, attorney for the petitioners, stated that Kendall Township recommended denial because at least one (1) planning commissioner objected to the construction of another house in the area.

Mr. Kramer stated that the petitioners did not pursue an A-1 building permit because the Kendall County Board had a similar case last year and they required the property owner to obtain a map amendment. In addition, the notification and publication requirements for a map amendment are stricter than the rules for an A-1 building permit.

Mr. Kramer also noted that easements for the proposed trails will be recorded.  
KCRPC Meeting Minutes 3.28.18

Mr. Wormley asked about the pipeline easement running through a portion of the property. Mr. Kramer explained how the pipeline easement was created.

Mr. Nelson asked the width of the property. The width is approximately is approximately two hundred thirty-seven feet (237').

Mr. Wormley asked about the water table. Mr. Kramer stated the soil was classified for septic.

Ms. Wilson noted that certain agricultural uses would be more restrictive if the property were rezoned to R-1.

There were no public comments on this proposal.

Mr. Asselmeier stated that he did not receive anything in writing from Kendall Township. There were no calls from any surrounding residents.

Ms. Wilson made a motion to recommend approval of the map amendment as proposed, seconded by Ms Zubko.

Yes – Ashton, Bledsoe, Nelson, Rodriguez, Wilson, Wormley and Zubko (7)

No – None (0)

Absent – Casey and Shaw (2)

The motion passed. This proposal will go to the Zoning Board of Appeals on April 2<sup>nd</sup>.

### **Petition 18-07 Kendall County Planning, Building and Zoning Committee**

Mr. Asselmeier summarized the request.

The Zoning Ordinance does not have a clear procedure for renewing special use permits. In reviewing all of the existing special use permits, twenty-seven (27) require some form of review or renewal. Additionally, in the future, the County Board may impose time limits on future special use permits. Therefore, Staff prepared the attached proposal establishing procedures for renewing special use permits.

The Planning, Building and Zoning Committee reviewed this proposal on February 13<sup>th</sup> and unanimously approved initiating the text amendment process.

This proposal was mailed to each township on February 15<sup>th</sup>. To date, none of the townships have submitted comments.

This proposal was mailed to each existing special use permit holder that has a review/renewal provision in their special use permit on February 16<sup>th</sup>. To date, only (1) special use permit holder had detailed questions. Three (3) others were satisfied with the proposal after the proposal was explained.

ZPAC reviewed this proposal on March 6<sup>th</sup> and unanimously recommended approval.

Several Commissioners expressed concerns about the ability of the County Board to amend special use permits without the request or approval of the property owner, even though the property owner complied with the terms of the special use permit. This action could have negative consequences for business owners that invested large sums of money into their businesses. Concerns were raised that such changes could be arbitrary.

## Attachment 10, Page 3

The Hearing Officer still exists for administrative adjudication; the Planning, Building and Zoning Committee could refer an alleged violations to the Hearing Officer or the State's Attorney's Office.

Several Commissioners expressed concerns regarding the language about previous owners of special use permits. Commissioners felt that the automatic renewal provisions should apply to the current owner and the current owner should not have the special use permit jeopardized by the actions or violations of previous owners.

Ms. Wilson asked if the County Board could request changes at any time. Mr. Asselmeier stated that the intent of the proposal was that the County Board could do amendments at the time of renewal. Item 2.b would be amended to reflect that change.

Roger Smith, Tyler Road, provided a history of his special use permit for a mobile home on his property. He was not in favor of the proposed changes.

Pat Kinnally, attorney for Bryan Holdings, Aurora, expressed concerns about the lack of clarity for grandfathering. He also expressed concerns about the difference between minor and major amendments to special use permits and the power of the Zoning Administrator. Mr. Kinnally did not want the actions of previous property owners to have an impact on whether or not a special use permit is revoked or renewed.

George Ostreko, East Beecher Road, said that he has not been inspected by Kendall County since he bought the property in the 1984. His special use permit is for mining.

Dan Kramer said that he agreed with changes proposed by Mr. Nelson.

Mr. Nelson moved to table the proposal and to have the proposal sent to Commissioners as a Word document. Discussion occurred regarding the intent of the Planning, Building and Zoning Committee in proposing the text amendment. The motion died for lack of second.

Mr. Rodriguez asked about the procedures of other counties. Mr. Asselmeier will investigate this matter.

Mr. Wormley made a motion to refer the proposal back to the Planning, Building and Zoning Committee for additional study, seconded by Ms. Wilson.

Yes – Ashton, Bledsoe, Nelson, Rodriguez, Wilson, Wormley and Zubko (7)

No – None (0)

Absent – Casey and Shaw (2)

The motion passed.

### **Petition 18-03 Kendall County Planning, Building and Zoning Committee**

Mr. Asselmeier summarized the request.

In 2017, the Kendall County Board created a Boards and Commissions Review Ad-Hoc Committee to examine the number, type, and duties of the various committees utilized by the County. This Ad-Hoc Committee evaluated the roles and responsibility of each of the committees associated with the Planning, Building and Zoning Department. The Ad-Hoc Committee expressed concerns about the number of meetings certain applicants had to attend in order to obtain approval of map amendments and special use permits. In addition to

County meetings, applicants for map amendments and special use permits might need to attend various township and municipal meetings.

Accordingly, the Board and Commissions Review Ad-Hoc Committee, at their meetings on August 29<sup>th</sup> and November 30<sup>th</sup> recommended the following applications not require formal meetings of ZPAC or the Kendall County Regional Planning Commission:

1. Map Amendments
2. Special Use Permits
3. Major Amendments to Special Use Permits
4. Text Amendments to the Zoning Ordinance Not Impacting the Powers and Duties of ZPAC and/or Kendall County Regional Planning Commission

Members of ZPAC and the Kendall County Regional Planning Commission would continue to receive notifications of the above types of applications and individual members of these committees could submit comments on the proposals, but neither body would be required to meet and issue recommendations on these types of applications.

ZPAC would continue to meet for the following types of applications:

1. Site Plan Reviews
2. Text Amendments to the Zoning Ordinance Impacting Its Powers and Duties
3. Amendments to the Kendall County Subdivision Control Ordinance
4. Preliminary Plat Approval
5. Final Plat Approval
6. RPD Related Plat Approvals

The Kendall County Regional Planning Commission would continue to meet for the following types of applications:

1. Text Amendments to the Zoning Ordinance Impacting Its Powers and Duties
2. Changes to the Land Resource Management Plan
3. Amendments to the Kendall County Subdivision Control Ordinance
4. Preliminary Plat Approval
5. Final Plat Approval
6. RPD Related Plat Approvals
7. Requests by the County Board and/or Planning, Building and Zoning Committee for Research on Planning, Zoning, and Development Related Topics

The Committee of the Whole discussed this proposal at their meeting on December 14<sup>th</sup> and no one objected to the proposal.

The Planning, Building and Zoning Committee reviewed this matter at their meeting on January 8<sup>th</sup> and unanimously recommended approval of initiating the text amendment as proposed.

ZPAC reviewed this proposal on February 6<sup>th</sup> and unanimously recommended approval.

Ms. Wilson asked, if this proposal was implemented, would the Kendall County Regional Planning Commission meet on petitions similar to Petition 18-07. Mr. Asselmeier responded that the Kendall County Regional Planning Commission would not meet for similar proposals.

Mr. Nelson asked, if the Kendall County Regional Planning Commission did not meet, would the timeframe for adopting a proposal be shortened. Mr. Asselmeier said that the timeframe for adopting a proposal would not be shortened unless the Kendall County Regional Planning Commission requested additional information.

Ms. Zubko asked if ZPAC members receive each petition and submit comments. Mr. Asselmeier responded that petitions are emailed to ZPAC members, but most ZPAC members wait until the meeting before stating their comments.

Ms. Zubko asked if the County Board was aware that the Planning, Building and Zoning Committee did not need to meet to review petitions under State law. Mr. Asselmeier responded that the Ad-Hoc Commissions and Committees Committee was informed which zoning related committees were required by State law and which ones were of the County's discretion.

Chairman Ashton expressed concerns about the RPD subdivisions approval. He believed that the terms of RPDs should be reviewed by the Kendall County Regional Planning Commission.

Mr. Nelson explained his experience with obtaining a special use permit.

Commissioners noted that one (1) of the reasons for transferring special use hearings to the Zoning Board of Appeals was to obtain more input and opinion. This proposal seems contradictory to that previous opinion.

Mr. Nelson made a motion to refer the proposal to the Comprehensive Land Plan and Ordinance Committee. The motion died for lacked of a second.

Mr. Asselmeier stated that the Planning, Building and Zoning Committee, as the petitioner, was the only entity that could approve amendments to the petition.

Ms. Wilson made a motion to recommend approval of the proposal, seconded by Ms. Zubko

Yes – None (0)

No – Ashton, Bledsoe, Nelson, Rodriguez, Wilson, Wormley and Zubko (7)

Absent – Casey and Shaw (2)

The motion failed. The petition received a negative recommendation from the Planning Commission.

The reasons for the negative recommendation were:

1. The Kendall County Regional Planning Commission would like the proposal to go to the Comprehensive Land Plan and Ordinance Committee to work out issues.
2. The Kendall County Regional Planning Commission had concerns regarding the due process for petitions.
3. The Kendall County Regional Planning Commission felt that Kendall County Regional Planning Commission meetings were the appropriate setting for creating conditions and restrictions for special use permits (express the values of the community).
4. Removing the Kendall County Regional Planning Commission meeting from the timeline for adoption does not slow down the approval process; the Senior Planner indicated that no extra time was needed for Kendall County Regional Planning Commission meetings.

5. The Kendall County Regional Planning Commission had concerns about a lack of thorough vetting of the implications of proposals if the Kendall County Regional Planning Commission did not meet and review proposals.

### **CITIZENS TO BE HEARD/ PUBLIC COMMENT**

None

### **NEW BUSINESS**

None

### **OLD BUSINESS**

#### **Consideration and Action on Amendments to Petition 18-04 Regarding Amending the Future Land Use Map for Property Near Route 47 in Lisbon Township-Commission Could Vote to Schedule a Public Hearing on the Petition**

Chairman Ashton noted that changes were made to the proposal. A mixed use business area will be added along U.S. Route 52 down to the Village of Lisbon.

The Village President of Lisbon attended the Comprehensive Land Plan and Ordinance Committee meeting earlier in the evening.

Ms. Wilson expressed her surprise about the opposition to the proposal from the residents of the area.

#### **Update on Petition 17-28 Pertaining to text Amendments to Outdoor Target Practice or Shooting Ranges (Not Including Private Shooting in Your Own Yard)**

Mr. Asselmeier stated that the Planning, Building and Zoning Committee met on March 12<sup>th</sup> and the proposal has changed drastically. The proposal was sent to the State's Attorney's Office for review.

### **REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD**

Mr. Asselmeier reported that Petition 17-33 transferring certain powers and duties from the Hearing Office to the Zoning Board of Appeals passed at the County Board. Petition 17-29 increasing the notification requirements for applications for special use permits on properties zoned A-1 was sent back to the Planning, Building and Zoning Committee from the Committee of the Whole.

### **OTHER BUSINESS/ANNOUNCEMENTS**

None

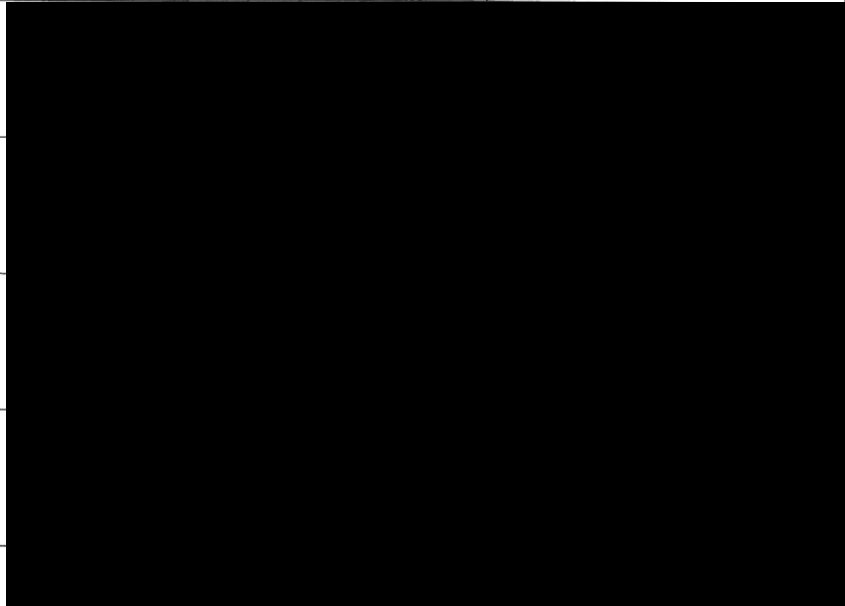
### **ADJOURNMENT**

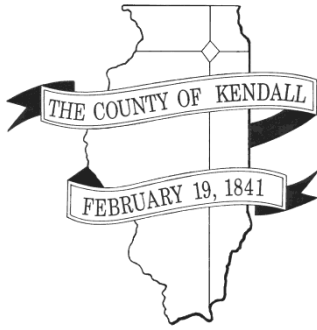
Ms. Wilson made a motion, seconded by Mr. Wormley, to adjourn. With a voice vote of all ayes, the motion passed unanimously. The Kendall County Regional Plan Commission meeting adjourned at 8:31 p.m.

Respectfully submitted by,  
Matthew H. Asselmeier, AICP  
Senior Planner

Enc.

**KENDALL COUNTY REGIONAL  
PLANNING COMMISSION MEETING  
MARCH 28, 2018**

NAME	ADDRESS	EMAIL ADDRESS
<i>Don Kinn</i>		
<i>Pat Kinnally</i>		
<i>George Osineko</i>		
<i>Peggy Smith</i>		



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**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

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**Petition 18-08****Helmar Lutheran Church****Variance****Rear Yard Setback for Attached Garage in the A-1 District****INTRODUCTION**

The petitioner, Helmar Lutheran Church, would like to construct an approximately nine hundred twelve (912) square foot, three (3) car garage attached to the east side of the existing parsonage at the subject property. The proposed garage would replace the existing one (1) car garage and breezeway. If constructed as proposed, the new garage would encroach twenty feet (20') into the required fifty foot (50') rear yard setback. The property is zoned A-1 (Agricultural) District.

The variance application is attached as Attachment 1. The application mentions a side yard setback; the requested setback is the rear yard setback; both setbacks are fifty feet (50'). Also the application lists the address as 11935 Lisbon Road. The correct address is 11951 Lisbon Road. Both the setback location and address were corrected before the notice was sent to neighbors and newspaper.

**SITE INFORMATION**

PETITIONER Helmar Lutheran Church

ADDRESS 11951 Lisbon Road, Newark

LOCATION Northeast Corner of the Intersection of Lisbon Road and West Helmar Road



TOWNSHIP Kendall

PARCEL # 05-31-300-002

LOT SIZE 0.6 +/- Acres

EXITING LAND USE Agricultural/Farmstead (Parsonage)



ZONING A-1 Agricultural

LRMP	Current Land Use	Agricultural/Farmstead (Parsonage)
	Future Land Use	Agricultural
	Roads	Lisbon Road and W. Helmar Road are Township maintained roads
	Trails	None
	Floodplain/ Wetlands	None

REQUESTED ACTION Request for a variance to the required rear yard setback in order to construct an approximately nine hundred twelve (912) square foot attached garage

APPLICABLE REGULATIONS § 7.01.G.2.a – A-1 Agricultural District – Yard Areas – Site and Structure Requirements – Setbacks – Fifty Foot (50') Rear Yard Setback Required.

§13.04 – Variation Procedures and Requirements

#### SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	LRMP	Zoning within ½ Mile
North	Agricultural	A-1	Agricultural	A-1
South	Single Family Residential	R-3	Agricultural	R-3 and B-2
East	Agricultural	A-1	Agricultural	A-1
West	Place of Worship	A-1 (SU for Place of Worship)	Agricultural	A-1

#### GENERAL INFORMATION

Pictures of the subject property are included as Attachments 3-7. The diagram of the proposed garage is included in Attachment 1. The proposed garage will be twenty-three feet (23') in height. The proposed attached garage would be located on the east side of the property in approximately the same location as the existing one (1) car garage.

According to information provided by the petitioner, the existing home was constructed in the 1950s.

On the site plan (see Attachment 2), the existing septic system is located underneath the patio located north of the existing breezeway. The existing well is located southwest of the house. The petitioner plans to relocate the septic system.

The side yard setback in the A-1 is the same as the rear yard setback; both are fifty feet (50'). The petitioner does not have any space on the south side of the lot to construct a garage of this size without seeking a variance.

#### KENDALL TOWNSHIP

The Kendall Township Board was emailed this proposal on 3.12.18.

ZBA Memo – Prepared by Matt Asselmeier – March 12, 2018

Page 2 of 3

## FINDINGS OF FACT

§ 13.04.A.3 of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to grant variations. They are listed below in *italics*. Staff has provided findings in **bold** below based on the recommendation:

*That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out.* **True, a practical difficulty exists because the existing house is approximately forty-nine feet (49') from the south property line. A similar variance, possibly even larger variance, would be required to construct a garage on the south side. Constructing the garage north of the proposed location would impact the septic system.**

*That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification.* **This is partially true. Other properties zoned A-1 could have similar configurations (i.e. location of the home on the parcel, the size of the parcel, location of well and septic, etc.) limiting the location of potential additions and causing encroachments in the setback. The number of properties sharing similar characteristics is unknown.**

*That the alleged difficulty or hardship has not been created by any person presently having an interest in the property.* **True, the Petitioner acquired this property at a time when standard garage and house sizes were smaller than modern standards. At the time of construction in the 1950s, the Petitioner could not have foreseen changes in lifestyles that caused demand for garages and homes to grow to present sizes.**

*That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located.* **True, the construction of the proposed addition will not be detrimental to the public welfare or injurious to other properties. The proposed addition will not negatively impact lines-of-sight on adjoining roadways. In addition, ample space still exists between the Petitioner's proposed garage and the adjoining field to allow the farmer to continue farming operations on the neighboring property.**

*That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood.* **True, the proposed garage will not block light or air from adjacent properties. The proposed garage will not cause an increase in congestion on public streets. The proposed variance will not diminish property values in the area. Provided the garage is constructed to the building code, no increase of fire or public safety concerns are anticipated by this proposal.**

## RECOMMENDATION

Staff recommends approval of the variance request for the construction of an attached garage as shown in Attachment 2 to be setback approximately thirty feet (30') from the eastern property line requiring a variance of twenty feet (20') subject to the following conditions:

1. The site shall be developed in accordance with the attached site plan.
2. The petitioner shall secure all applicable permits prior to the construction and use of the proposed attached garage.

## ATTACHMENTS

1. Application (Including Petitioner's Findings of Fact)
2. Site Plan (Including Topographic Information)
3. Front (West) Side of Property
4. South Side of Property
5. Proposed Garage Location Looking North
6. Proposed Garage Location Looking South
7. Backyard Looking West

**HELMAR LUTHERAN CHURCH  
REQUEST FOR  
ZONING VARIANCE**



# DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Yorkville, IL • 60560  
(630) 553-4141 Fax (630) 553-4179

## APPLICATION

PROJECT NAME GARAGE ADDITION FILE #: 18-08

NAME OF APPLICANT <u>HELMAR LUTHERAN CHURCH</u>		
CURRENT LANDOWNER/NAME(S) <u>HELMAR LUTHERAN CHURCH</u>		
SITE INFORMATION ACRES <u>0.6100</u>	SITE ADDRESS OR LOCATION <u>11935 LISBON RD, NEWARK, IL 60541</u>	ASSESSOR'S ID NUMBER (PIN) <u>05-31-300-002</u>
EXISTING LAND USE <u>CHURCH PARSONAGE</u>	CURRENT ZONING <u>A-1</u>	LAND CLASSIFICATION ON LRMP <u>AGRICULTURE</u>
REQUESTED ACTION (Check All That Apply):		
<input type="checkbox"/> SPECIAL USE	<input type="checkbox"/> MAP AMENDMENT (Rezone to _____)	<input checked="" type="checkbox"/> VARIANCE
<input type="checkbox"/> ADMINISTRATIVE VARIANCE	<input type="checkbox"/> A-1 CONDITIONAL USE for: _____	<input type="checkbox"/> SITE PLAN REVIEW
<input type="checkbox"/> TEXT AMENDMENT	<input type="checkbox"/> RPD (____ Concept; ____ Preliminary; ____ Final)	<input type="checkbox"/> ADMINISTRATIVE APPEAL
<input type="checkbox"/> PRELIMINARY PLAT	<input type="checkbox"/> FINAL PLAT	<input type="checkbox"/> OTHER PLAT (Vacation, Dedication, etc.)
<input type="checkbox"/> AMENDMENT TO A SPECIAL USE (____ Major; ____ Minor)		
PRIMARY CONTACT <u>RICHARD L. NILES</u>	PRIMARY CONTACT MAILING ADDRESS [REDACTED]	PRIMARY CONTACT EMAIL [REDACTED]
PRIMARY CONTACT PHONE # [REDACTED]	PRIMARY CONTACT FAX # [REDACTED]	PRIMARY CONTACT OTHER # (Cell, etc.) [REDACTED]
ENGINEER CONTACT SURVEYER <u>PHILIP D. YOUNG &amp; ASSOC.</u>	ENGINEER MAILING ADDRESS <u>1107 S. BRIDGE ST. YORKVILLE</u>	ENGINEER EMAIL <u>phil.young@comcast.net</u>
ENGINEER PHONE # <u>(630) 553-1580</u>	ENGINEER FAX # <u>(630) 553-1685</u>	ENGINEER OTHER # (Cell, etc.)
I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.		
I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES.		
SIGNATURE OF APPLICANT [REDACTED]		DATE <u>2-28-18</u>

FEE PAID: \$ \_\_\_\_\_  
CHECK #: \_\_\_\_\_

<sup>1</sup>Primary Contact will receive all correspondence from County

<sup>2</sup>Engineering Contact will receive all correspondence from the County's Engineering Consultants

**PUBLIC NOTICE**  
**KENDALL COUNTY**  
**\*\*ZONING BOARD OF APPEALS\*\***

Notice is hereby given that Zoning Board of Appeals will hold a public hearing on April 2<sup>nd</sup>, 2018 at 7:00 P.M.

The location of the meeting is at the Kendall County Office Building, Rooms 209 & 210 at 111 West Fox Street, Yorkville, IL.

The purpose of this hearing is to consider testimony and make a determination regarding Petition #18-08, The Helmar Lutheran Church is seeking a variance from Section 7.01.G.2.a of the Kendall County Zoning Ordinance to reduce the side yard building setback distance from 50 feet to 30 feet.

The property is located at the Northeast intersection of Lisbon Road and Helmar Road (11951 Lisbon Road, Newark, IL 60541) and is identified by Parcel Identification Number 05-31-300-002 and is legally described in Exhibit "A" attached.

The petitioner is acting for himself.

The petitioner is not a corporation.

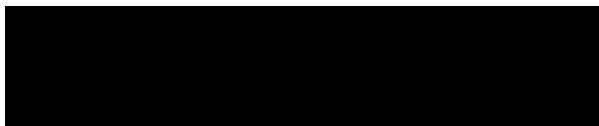
The petitioner is not a business or entity doing business under an assumed name.

The petitioner is not a Partnership, Joint Venture, Syndicate or Unincorporated Voluntary Association.

This petition and related documents may be reviewed at the Planning, Building and Zoning Department, Room 203, 111 West Fox Street, Yorkville, IL 60560 or the Kendall County Website: <http://www.co.kendall.il.us/planning-building-zoning/peitions>. Questions can be directed to the same department at phone number (630) 553-4139.

All interested persons may attend and be heard. Written testimony should be directed to the Department but shall only be entered as part of the record at the discretion of the Kendall County Zoning Board of Appeals.

If special accommodations or arrangements are needed to attend this County meeting, please contact the Administration Office at (630) 553-4171, a minimum of 24-hours prior to the meeting time.



Vice-Chairman, Helmar Lutheran Church

(Signature, Richard L. Niles)

**TO THE**  
**KENDALL COUNTY ZONING BOARD OF APPEALS**  
***"FINDINGS OF FACT"***

The Helmar Lutheran Church requests the Kendall County Board of Appeals to grant a variance in the A-1 zoning from a 50 foot side yard set-back to a 30 foot side yard set-back on the East side of the Helmar Lutheran Church Parsonage. The Church would like to make improvements to their Parsonage by removing a small single car garage and breezeway, in order to replace it with an attached three car garage. However, making this improvement to the Parsonage would be in violation of the A-1 Kendall County Zoning Ordinance.

The Parsonage was built in the 1950's, and the Church has never made any improvements to the home since it was built. The Parsonage is used for the purpose of supplying a home for the Church's minister and family. The existing garage is so small that it is not adequate to house most 21<sup>st</sup> Century cars. It is time to make necessary improvements in order to modernize the Parsonage; and we believe that the addition of a three car garage is in the best interest of the Helmar Lutheran Church, its minister and his family.

Included in this request is a satellite view of the Parsonage and the surrounding properties. The Parsonage is located on the Northeast corner, at the intersection of Lisbon and Helmar Roads. As one can see from this satellite perspective, there are no adjacent buildings. The granting of this variance would not impair an adequate supply of light and air to adjacent property, or increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. Conversely, neighborhood property values would actually benefit by the enhanced improvements to the Parsonage.

In researching public records and after much difficulty, the DEED of RECORD No 111 and recorded at the Kendall County Recorders office was found in their archives. The deed was recorded on August 1<sup>st</sup>, 1953, and in this Quit Claim Deed, it was found that an additional 30 feet along the Northern most property line and 20 feet along the Eastern most property line was included in the deed as a lease. This was for a period of 50 years and the lease expired in 2003. Consequently, the current owners of the property are Central Sod Farms. The General Manager and

## Attachment 1, Page 5

CEO of Central Sod Farms is Richard Warpinsky who has recently been contacted and is willing to Quit Claim Deed this portion of their property to the Helmar Lutheran Church. Because of the closeness of time, and that this application needed to be submitted to the Kendall County Board of Appeals by March 2<sup>nd</sup>, it is not possible to include the legal drafts in this application. However, the legal paper work showing this transaction will be submitted to the Kendall County Board of Appeals as soon as it will be available.

The parishioners of the Helmar Lutheran Church voted almost unanimously to allocate the funds to make this improvement to the Parsonage and so would humbly request the Kendall County Zoning Board in their wisdom to grant this variance.

Helmar Lutheran Church Board of Trustees: *Ron Mathre*

*Steve Meyer*

*Roger Toftoy*

*Leo Keigher*

Attachment 1, Page 6  
DEED RECORD No. 111

LEASE INDENTURE

Chicago-Kent College of Law

to

Helmar Evangelical Lutheran Church

THIS INDENTURE, made this 1st day of August, A.D. 1953, between CHICAGO-KENT COLLEGE OF LAW, being an educational corporation, incorporated not for pecuniary profit under the laws of the State of Illinois, and having its principal and registered office in the City of Chicago, County of Cook and State of Illinois, party of the first part, and HELMAR EVANGELICAL LUTHERAN CHURCH, a religious corporation of the County of Kendall and State of Illinois, having its principal office and place of worship in said County and State, party of the second part.

WITNESSETH, that the party of the first part does hereby demise and lease to the party of the second part, to be used for parsonage purposes only, the premises situated <sup>in</sup> the Town of Kendall, County of Kendall and State of Illinois, known and described as follows:

Commencing at a point on the West line of Section thirty one (31), Township thirty-six (36) North, Range seven (7), East of the Third Principal Meridian, in said Kendall County, Illinois, being in the center of the public road and eight rods North of the South West corner of said Section 31, thence North along the center of the road 30 feet, thence East at right angles with the first course 10 rods, thence South and at right angles with the second course 30 feet, thence Westerly parallel with the second course 10 rods, more or less, to the place of beginning, situated in the South West quarter of the South West quarter of said Section 31.

TO HAVE AND TO HOLD the same, unto the party of the second part, from the 1st day of August, A.D. 1953, until the 31st day of July, A.D. 2003, unless said term is sooner terminated, as hereinafter provided. And the party of the second part in consideration of said demise, does covenant and agree with the party of the first part, as follows:

FIRST: To pay to Lessor as rent for said leased premises for said term the sum of One Dollar (\$1.00), payable in advance, receipt whereof is hereby acknowledged by the party of the first part.

SECOND: That it has examined and knows the condition of said premises; and has received the same in good order and repair, and that it will keep said premises in good order and repair during the term of this lease, at its own expense; and, upon the termination of this lease, will yield up said premises to said party of the first part in good condition and repair.

THIRD: That it will not sub-let said premises, nor any part thereof, nor assign this lease without the written consent of the party of the first part first had.

FOURTH: To pay (in addition to the rents above specified) all water rents taxed, levied or charged on said demised premises, and all other taxes, assessments or impositions levied or charged against said premises during the term of this lease.

FIFTH: The term herein created shall terminate forthwith if at any time hereafter the party of the second part (a) shall cease to be a Lutheran Church having its present denominational affiliations; (b) shall fail, for a period of one year or more, to continue to conduct its Lutheran religious services in its church located at the Northwest corner of crossroads commonly known as Helmar, which said Northwest corner lies immediately West of the premises herein demised; (c) shall, in connection with the operation of its said religious services at Helmar, as aforesaid, fail, for any period of ninety days, to occupy and use as a parsonage for the residence of its ministers the parcel of real property lying immediately South of and adjoining the premises herein demised; (d) shall erect or construct any improvements or structures in or upon the premises herein demised; (e) shall fail, at any time during the demised term, to erect and maintain at its own expense a sheep-tight fence on the North and East boundaries of the herein demised premises; (f) shall, at any time, use said premises, or any part thereof <sup>58</sup> for any purpose other than the parsonage yard



## DEED RECORD No. 111

purposes for which said premises are herein demised.

All the parties to this lease agree that the covenants and agreements herein contained shall be binding upon, apply and inure to, their respective successors and assigns.

IN WITNESS WHEREOF the party of the first part has caused these presents to be executed in its corporate name, by its President, its corporate seal to be hereto affixed, attested by its Secretary, and the party of the second part has caused these presents to be executed in its corporate name by its proper officers and its corporate seal to be hereto affixed, said officers being duly authorized thereunto, all on the day and year first above written.

CHICAGO-KENT COLLEGE OF LAW

By Webster H Burke  
President



Attest:

William A. Grover  
Secretary

HELMAR EVANGELICAL LUTHERAN CHURCH

Attest:

O. Laaveg, cong. chm.

Leo Scott	}	Trustees
Lawrence Weeks		
Forrest Christian		
Tenus Thompson		

Filed for Record on the 10th Day of September, A.D. 1953 at 8:40 o'clock A.M.

Richard D. House  
RECORDER OF DEEDS

Google Maps



Imagery ©2018 Google, Map data ©2018 Google 100 ft

Tax Year: 2018

# Parcel Information Report

## Kendall County

### 05-31-300-002

 Page 1 of 1  
 02/26/2018 3:40:19 PM

<b>Parcel No</b>	<b>Township</b>	<b>Tax Code</b>	<b>Property Class</b>	<b>Land Use</b>	<b>1977 Base Value</b>	<b>Senior Freeze Year</b>
05-31-300-002	Kendall Township	KE005	0090		0	
<b>Alternate Parcel No</b>	<b>Homesite Acres</b>	<b>Farm Acres</b>	<b>Gross Acres</b>	<b>TIF Base</b>	<b>EZone Parcel</b>	<b>Senior Freeze Value</b>
	0.6100	0.0000	0.6100	0	NO	0
<b>Parcel Status</b>	<b>Activation Year</b>	<b>Lot Dimension</b>			<b>Level Activated</b>	
					Township Assessor	

**Owner Name and Address** HELMAR LUTHERAN CONGREGATION  
 11935 LISBON RD  
 NEWARK, IL 60541

**Alternate Name and Address**

**Parcel Sales**

**Site Address** 11951 LISBON RD  
 NEWARK, IL 60541

**Legal Description** SEC 31-36-7

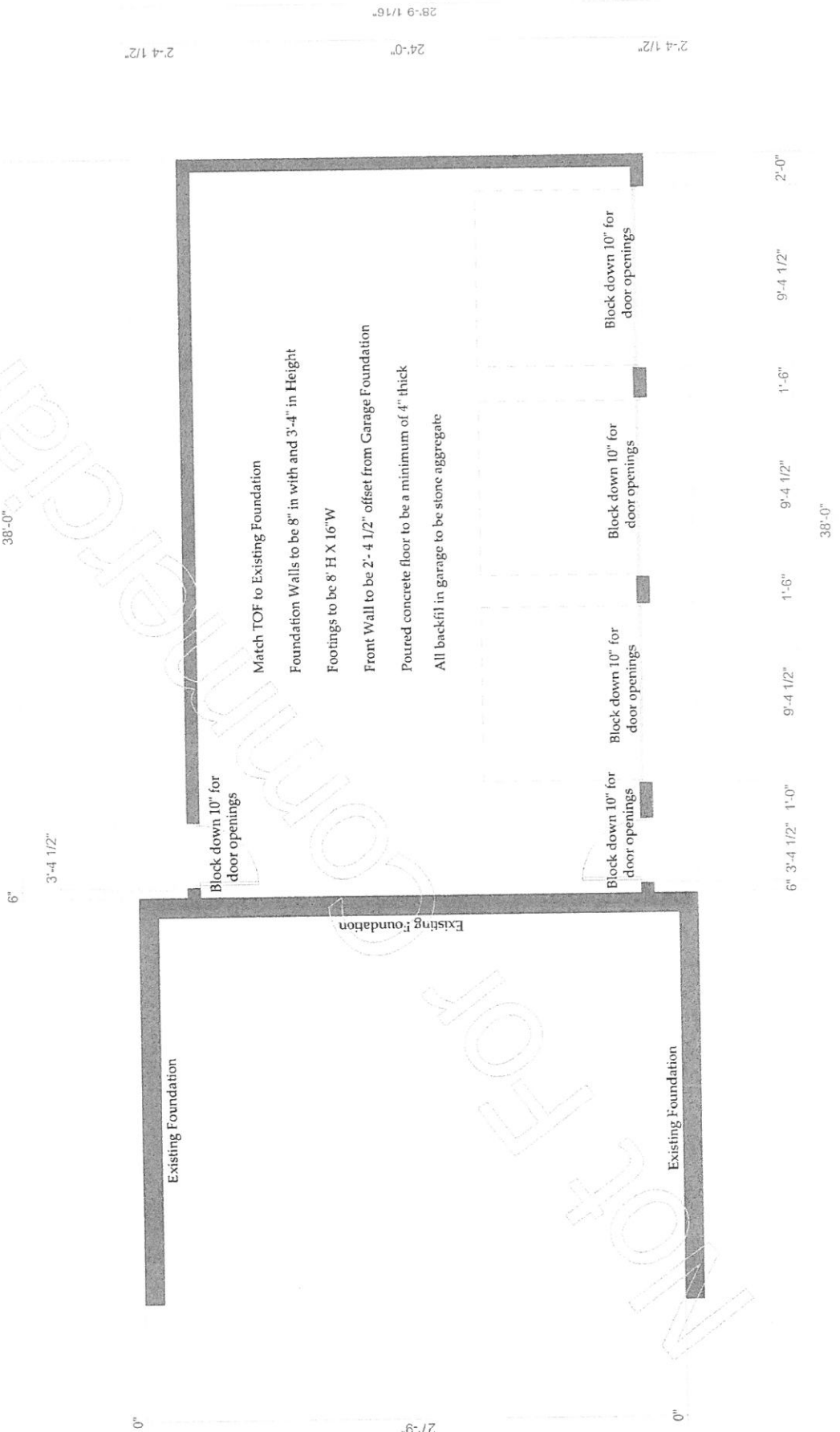
**Parcel Notes** A/K/A 11951 HELMAR RD PER PBZ ADDRESS BOOK

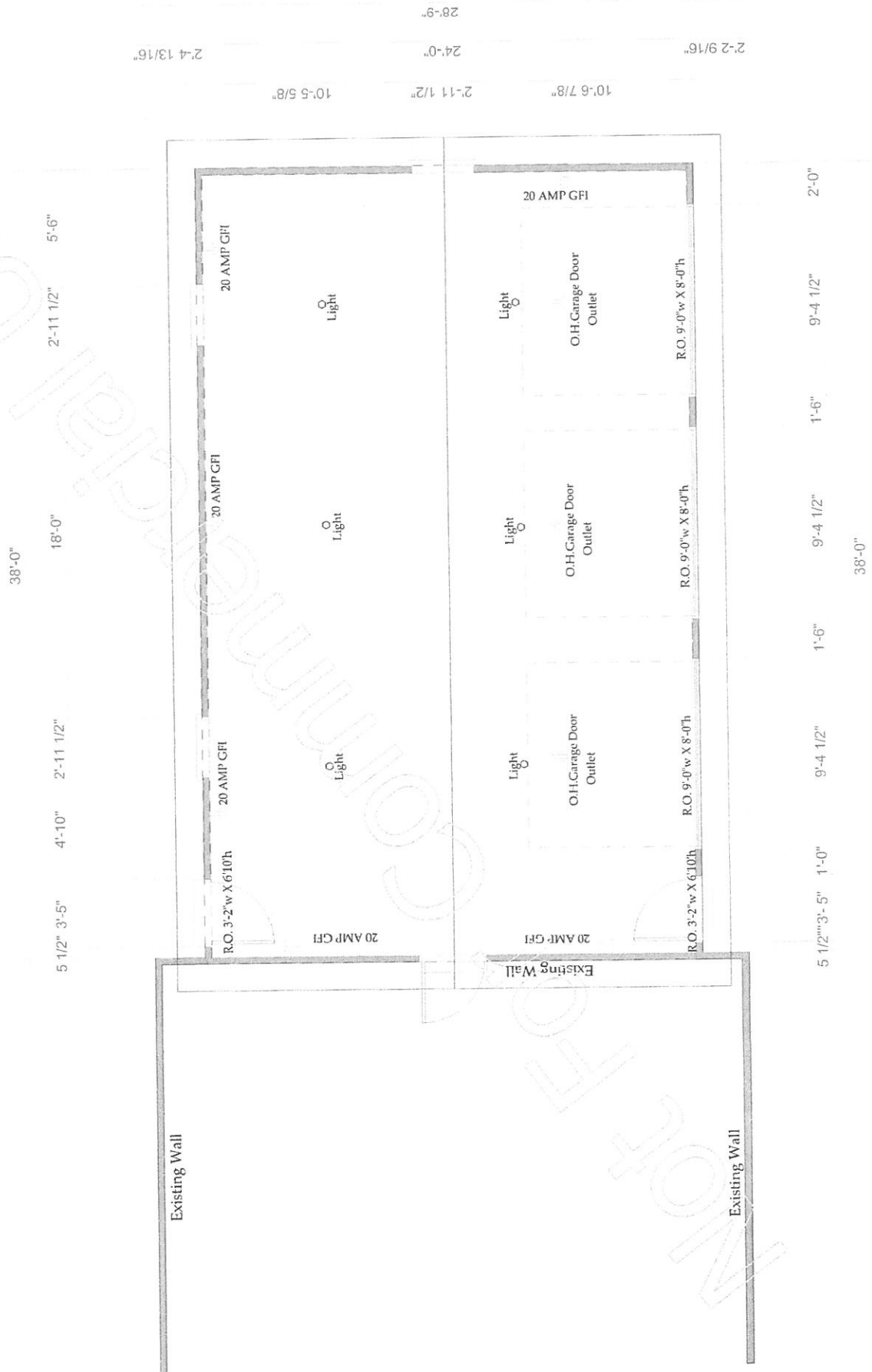
#### Assessment Information

<b>Tax Year</b> 2018	<b>Parcel No:</b> 05-31-300-002							
<b>Category</b>	<b>Partial Bldg Ind</b>	<b>Farm Land</b>	<b>Farm Building</b>	<b>Non Farm Land</b>	<b>Non Farm Building</b>	<b>Total New Construction</b>	<b>Total Demolition</b>	<b>Assessment Total</b>
Prior Year Equalized	N	0	0	0	0	0	0	0
Township Assessor	N	0	0	0	0	0	0	0

**Parcel Genealogy:**

Helmar Lutheran Church  
Parson Garage Foundation





# ZONING VARIANCE PLAT OF PART OF THE SOUTHWEST QUARTER OF SECTION 31, T36N-R7E, 3rd P.M. KENDALL TOWNSHIP KENDALL COUNTY ILLINOIS

LEGAL DESCRIPTION OF 0.2942-ACRE TRACT TO BE  
CONVEYED TO HELMAR LUTHERAN CONGREGATION:

The South 187 feet of the West 185 feet of the Southwest  
Quarter of Section 31, Township 36 North, Range 7 East  
of the Third Principal Meridian (except the South 132 feet  
of the West 165 feet thereof) in Kendall Township, Kendall  
County, Illinois.

SCALE  
1"=20'

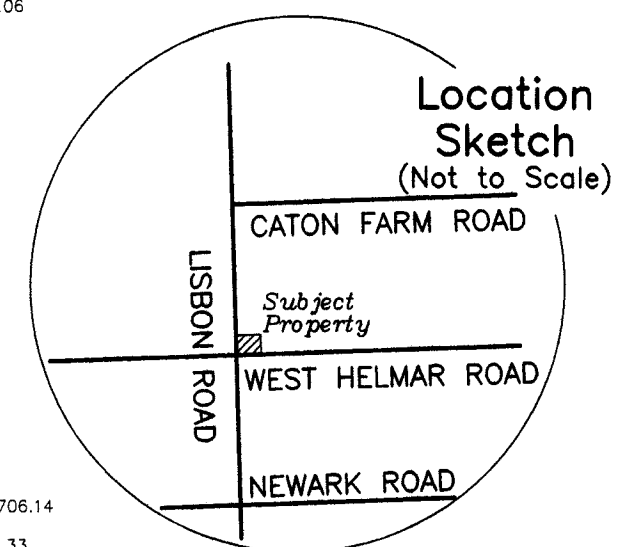
0 10 20 30 40 50

- Indicates Iron Stake Found
- Indicates Iron Stake Set
- Indicates Line of Fence
- + 646 Indicates Existing Spot Elevation
- 646— Indicates Existing Contour

BENCHMARKS (NGVD 1929) --

BM#1 - Magnail 17 feet North of Curb Corner  
and 2.6 feet West of Curb at Southwest Corner  
of Subject Property.  
Elevation = 709.75

BM#2 - Magnail 1.7 feet South of East End of  
Curb at Southeast Corner of Subject Property.  
Elevation = 708.88



Fox Township

PIN 04-36-400-005  
Helmar Lutheran Congregation  
AI-SU

Lisbon Road

Big Grove  
Township

PIN 07-01-226-005  
Helmar Lutheran  
Congregation  
R-3



State of Illinois )  
County of Kendall ) SS

I, Phillip D. Young, an Illinois Professional Land Surveyor and an  
officer of Phillip D. Young and Associates, Inc., state that I  
have surveyed and located the visible improvements on the  
above described tract as shown by the plat hereon drawn which  
is a representation of said survey. Field work was completed  
February 28, 2018. This professional service conforms to the  
current Illinois minimum standard for a boundary survey.

Dated March 2, 2018 at Yorkville, Illinois

*Phillip D. Young*

Phillip D. Young  
Illinois Professional Land Surveyor No. 2678 (Expires 11/30/18)

March 2, 2018

PIN 08-06-101-001  
Bowman, Dwight D & Patricia M  
R-3

## DEVELOPER:

Helmar Lutheran Church  
11951 Lisbon Road  
Newark, Illinois 60541

## AREA OF SUBJECT PROPERTY:

21,780 Sq.Ft. = 0.5000 Acre  
(13,770 Sq.Ft. = 0.3161 Acre Ex Rd)

## PRESENT ZONING:

A-1 (Agricultural District)

## SUBJECT PROPERTY ADDRESS:

11951 Lisbon Road

## SUBJECT PROPERTY P.I.N.

05-31-300-002

## LEGAL DESCRIPTION OF SUBJECT PROPERTY:

The South 132 feet of the West 165 feet of the Southwest  
Quarter of Section 31, Township 36 North, Range 7 East  
of the Third Principal Meridian, in Kendall Township, Kendall  
County, Illinois.

## FLOODPLAIN STATEMENT:

The Subject Property is located in Zone X (areas determined  
to be outside the 0.2% annual chance floodplain) as depicted  
on FEMA Flood Insurance Rate Map Number 17093C0125G  
with an effective date of February 4, 2009.

## WETLANDS STATEMENT:

The National Wetlands Inventory Map shows no designated  
wetlands on the Subject Property.

JOB NO.	18039
JOB NAME	HELMAR LUTHERAN CHURCH
DWG FILE	18039

**Phillip D. Young and Associates, Inc.**  
LAND SURVEYING - TOPOGRAPHIC MAPPING - Lic.#184-002775

1107B South Bridge Street  
Yorkville, Illinois 60560  
Telephone (630)553-1580



Attachment 3, Front (West) Side





# Attachment 4 South Side of Property





Attachment 5 Garage Site Looking North





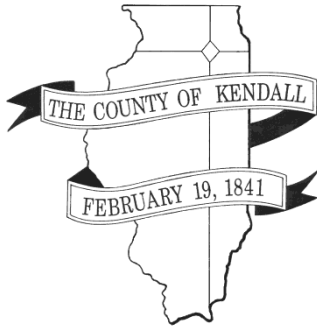
Attachment 6 Proposed Garage Looking South











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**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

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**Petition 18-10****LaSalle National Trust #47016 Represented by Drew Daniels  
Variance****Allow a Mobile Concrete Batch Plant Three Hundred  
Eighteen Feet (318') from an Occupied Principal Structure****INTRODUCTION**

The LaSalle National Trust #47016 owns three (3) parcels of the property on the north side of U.S. Route 34 across the street from the Fox Hill Subdivision. Plote Construction Company was awarded the Illinois Department of Transportation, U.S. Route 34 Reconstruction and Widening Project. Plote Construction Company desires to use a portion of the property owned by the LaSalle National Trust #47016 for an onsite concrete plant. At its closest point, the proposed facility will be three hundred eighteen feet (318') from the nearest occupied principal structure.

In addition to the requested variance, the proposal also requires a temporary use permit from the Kendall County Planning, Building and Zoning Committee.

The variance application is attached as Attachment 1. The plat is attached as Attachment 2 and the Site Plan is attached as Attachment 3.

**SITE INFORMATION**

PETITIONER LaSalle National Trust #47016

ADDRESS 11443 U.S. Route 34

LOCATION Approximately 0.57 Miles East of the Intersection of U.S. Route 34 and Eldamain Road on the North Side of U.S. Route 34



TOWNSHIP Bristol

PARCEL #s 02-30-200-023, 02-19-400-009, and 02-19-400-010

LOT SIZE Area Proposed for Use 5.0 +/- Acres (Total for Three Parcels is 212.85 Acres)

EXITING LAND USE Agricultural/Farmstead

ZONING A-1 Agricultural

LRMP	Current Land Use	Agricultural/Farmstead (Abandoned Houses and Structures)
	Future Land Use	Commercial
	Roads	U.S. Route 34
	Trails	Bike path will be constructed as part of the widening project on U.S. Route 34 side.
	Floodplain/ Wetlands	Wetlands are located on the property, but not near the proposed use. The Rob Roy Creek runs through the larger farm, but is not impacted by the proposal.

REQUESTED ACTION Request for a variance to allow a concrete plant within three hundred eighteen feet (318') from an occupied principal structure instead of one thousand feet (1,000').

APPLICABLE REGULATIONS § 4.19.2.b – Temporary Uses Permitted – Distance to Occupied Principal Structure  
§13.04 – Variation Procedures and Requirements

#### SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	LRMP	Zoning within ½ Mile
North	Agricultural	A-1	Commercial and Mixed Use Business	A-1
South	Single Family Residential	R-3 Multi-Family (Yorkville)	Urban Area	A-1 (County) R-2 R-3, B-3, O, OS, and PUD (Yorkville)
East	Agricultural and Commercial	A-1	Commercial and Urban Area	A-1 (County) PUD (Yorkville)
West	Agricultural	A-1	Commercial, Suburban Residential, and Urban Area	A-1 (County) B-3 (Yorkville)

#### GENERAL INFORMATION

Pictures of the subject property are included as Attachments 4-8.

#### CURRENT LAYOUT

The subject area for the proposed operations currently has two (2) abandoned houses, one (1) garage, one (1) collapsed shed, one (1) concrete silo approximately fifty feet (50') in height, two (2) driveways onto U.S. Route 34, several trees and brush, and trash and debris of various types. The field on the east, north, west sides of the property will be planted in the spring, according to the Petitioner. The property currently has open junk and debris violations and unsecured structure violations (V17-023) from the Kendall County Planning,



Building and Zoning Department.

### PROPOSED OPERATIONS

According to the information provided to the County, the property owner would remove all of the structures, junk and debris, and trees from the property.

Upon removal of the above items, Plote Construction Company would setup a concrete batch plant in the layout shown in Attachments 1 and 3. The property would be used to recycle the existing asphalt and concrete to use for the subbase for the reconstructed and widened roadway. The specs for the mobile concrete and asphalt crushing equipment are included in Attachment 1. Plote Construction Company's operations would consist of a material stockpile, a batcher, control trailers, material conveyors, a concrete pad, three (3) cement pigs, a generator trailer, an admin trailer, a concrete washout, and a concrete crushing area. No permanent structures would be placed onsite; however, a permit will be required for the admin trailer. The tallest structure onsite would be approximately fifty feet (50') in height; the same height as the existing grain silo.

If the temporary use permit was approved, Plote Construction Company plans to start operations in April and operate the plant until December 2019. Usually, two to three (2-3) employees will be onsite, but this number could increase to ten (10) people during high activity periods. Unless amended by the temporary use permit. Plote Construction Company's intended operations are Monday-Friday from 7:00 a.m. until 5:30 p.m. In their application materials, Plote Construction Company says, "actual production days of the concrete plant are estimated between 60 and 80 days for the next two seasons. Actual days of crushing operations are estimated between 40 to 50 days for the next two seasons." Plote Construction Company plans to remove the plant within two (2) weeks of completion of the project at which time the property could be converted back to agricultural purposes.

Plote Construction Company chose this site because of its proximity to the project site (U.S. Route 34). The portion of the property planned for Plote Construction Company's operations is currently not farmed. If the operations were pushed outside the proposed area, the farm field would be impacted. Plote Construction Company's operations will be a small amount of land currently used for growing crops.

If the requested variance is denied, Plote Construction Company would move their operations in the right-of-way, pending approval by the United City of Yorkville. This move could cause the operations to be closer to the houses in the adjoining subdivision.

### TEMPORARY USE PERMIT

Pursuant to Section 4.19 of the Kendall County Zoning Ordinance, the operation of a concrete ready mix or asphalt plant, when necessary or incidental to a major construction project in any Agricultural, Business, or Manufacturing District is a temporary use and must meet the following criteria or obtain a variance:

1. Each such permit shall be valid for a period of not more than one (1) year and shall not be renewed for more than two (2) successive periods at the same location.
2. **The plant shall be located a minimum of one thousand (1,000) feet from any occupied principal structure. (emphasis added)**
3. All facilities placed or located on the site shall be removed and the site restored to its original condition within the time frame of the permit. The operator of the facility shall guarantee the proper removal of all facilities with good and sufficient security as approved by the Zoning Administrator.
4. The plant shall produce product only for the specific parcel for which the temporary use is permitted. For plants constructed to support a major road project, the plant shall be located adjacent to the roadway.
5. Hours of operation must be 7am-5:30pm Monday thru Saturday unless otherwise permitted.
6. Before the issuance of the temporary use permits, the septic field shall be roped off and the water well shall be clearly staked to allow for the protection of both of these utilities. The areas shall remain marked or roped off through the duration of the project.

If the variance is approved, this proposal will move to the Kendall County, Planning, Building and Zoning Committee for a final decision on the temporary use permit request.

## UTILITIES

A Commonwealth Edison power hookup is the desired electricity source for the plant. A generators will be used as a secondary option.

Pending approval by the United City of Yorkville, a fire hydrant will be used a water source for operations.

One (1) Porta-potty with an eye washing station will be placed onsite.

## TRAFFIC CONTROL PLAN

Plote Construction Company's permit from the Illinois Department of Transportation allows Plote Construction Company to close lanes on U.S. Route 34 from 8:30 a.m. until 2:30 p.m. At least one (1) lane of traffic will remain open.

On the subject property, the western driveway will be used for exiting the site and the eastern driveway will be used to enter the site. The driveways will not be paved, but asphalt grindings will be installed to reduce dust.

## BARRIERS and NOISE WALLS

If the temporary use permit is approved, starting in the second week of April, a three point five foot (3.5') barrier wall will be installed on the north side of U.S. Route 34 from Center Street to Eldamain Road. This wall will have an opening at the entrance and exit driveways of the subject property.

A noise wall will be installed on the south side of U.S. Route 34 north of the Fox Hill Subdivision starting in November 2018. The wall will average ten feet (10') in height. The majority of the trees currently located on the berm south of U.S. Route 34 will be removed.

Plote Construction Company believes that these walls will reduce noise, dust, and the other negative impacts of the construction on the neighboring residential properties.

## DUST CONTROL

Plote Construction Company submitted a dust control plan to the Illinois Department of Transportation. This plan will be revised upon completion of the wall on the south side of U.S. Route 34. In addition, Plote Construction Company will use a baghouse to catch the majority of dust particles generation from the plant. According to the information provided to the County, "Plote will constantly monitor duct (sic) and will use a water truck to spray haul roads when needed." Plote Construction Company will also sweep the road as necessary.

## BRISTOL TOWNSHIP

The petitioner mailed this proposal to Bristol Township on 3.8.18. Staff emailed Bristol Township this report on 3.14.18.

## UNITED CITY OF YORKVILLE

The petitioner mailed this proposal to the United City of Yorkville on 3.8.18. Staff emailed the United City of Yorkville this report on 3.14.18.

## FINDINGS OF FACT

§ 13.04.A.3 of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to grant variations. They are listed below in *italics*. Staff has provided findings in **bold** below based on the recommendation:

*That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. The Petitioner currently leases the adjacent farm ground to a farmer that has already planted crops. If the location of the proposed plant were located one thousand feet (1,000') from the nearest occupied principal structure, more farm land would be taken out of service for growing crops.*

*That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. This is partially true. Other properties zoned A-1 could have similar configurations (i.e. location of the home site(s) on the parcel, the size of the parcel,*

location of occupied principal structures on neighboring properties, etc) limiting the location of concrete and asphalt plants. The exact number of properties sharing similar characteristics is unknown, but any farm located next to a road and near houses could have similar conditions.

*That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The petitioner did not cause the construction of the homes on the south side of U.S. Route 34 and did not cause the widening of U.S. Route 34. However, the petitioner could have chosen to take additional farm ground out of production so that the proposed plant could have been located further away from the nearby houses.*

*That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. The proposed variance and temporary use permit will be effective for less than two (2) years. The placement of the proposed use at the subject property should cause the completion of the U.S. Route 34 project in a timely manner. Plote Construction Company has approval from the Illinois Department of Transportation to periodically close traffic lanes and Plote Construction Company has a dust control plan approved by the Illinois Department of Transportation. The various walls constructed along U.S. Route 34 should also address noise, sight, and dust issues.*

*That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. The proposed variation is temporary and a part of public transportation project. Increased congestion will occur in this area for the duration of construction whether or not the variance is approved. Given that the proposal is temporary, there should be no long term damage to public safety or property values.*

#### **RECOMMENDATION**

Because the requested variance is for temporary use and because the requested variance is sought to expedite a public project on a highly trafficked State-maintained highway, Staff recommends approval of the variance request for the placement of a temporary concrete ready-mix or asphalt plant necessary and incidental to a major construction project in the Agricultural District to be located at its closest point approximately three hundred eighteen feet (318') from an occupied principal structure requiring a variance of six hundred eighty-two feet (682') to the following conditions:

1. The site shall be developed in accordance with the attached site plan.
2. The petitioner shall resolve all outstanding alleged Zoning Ordinance violations prior to the commencement of operations.
3. The petitioner shall secure all applicable permits prior to the construction and use of the proposed plant.
4. The petitioner shall comply with any restrictions or conditions imposed as part of the temporary use permit.
5. The variance allowed by this Variance Ordinance shall expire at the same time as the temporary use permit expires.

#### **ATTACHMENTS**

1. Application (Including Petitioner's Findings of Fact)
2. Plat
3. Site Plan
4. Front (South) of Property
5. Looking North from 34
6. Material Stockpile Looking Southeast
7. Material Stockpile Looking South
8. Material Stockpile Looking Southwest



March 2, 2018

Mr. Matthew Asselmeier, AICP  
Senior Planner  
Kendall County Planning, Building & Zoning  
111 West Fox Street  
Yorkville, IL 60560-1498

RE: LaSalle National Trust #47016  
11443 Route 34  
Yorkville, IL 60565  
Temporary Concrete Batch Plant – IDOT Contract #66993  
**VARIANCE APPLICATION REQUEST**

Mr. Asselmeier,

On behalf of our client, LaSalle National Trust #47016, we respectfully submit the following Variance Request Application and associated documents for the above-referenced site. The following items are enclosed for review and request to be on agenda for the April 2, 2018 Kendall County Zoning Board of Appeals meeting,

1. *Completed Application Form*
2. *Variance Application fee of \$425.00 made payable to "Kendall County Treasurer"*
3. *Legal Description of parcel as described in Wheatland Guaranty Company's Title Commitment WTG No. 13-2013KL-2189.0*
4. *Proof of Ownership Wheatland Guaranty Company's Title Commitment WTG No. 13-2013KL-2189.0*
5. *Beneficiary Disclosure Statement for Property for LaSalle National Trust #47016*
6. *Variance Findings of Fact as completed by Plote Construction – IDOT Contractor for Contract #66993*
7. *Project Summary for proposed Variance Request completed by Plote Construction, Inc. dated March 1, 2018*
8. *Twelve (12) folded full size copies of the Plat of Survey prepared by DLZ Industrial Surveying, LLC dated March 2, 2018*
9. *Twelve (12) folded full-size copies of the Proposed Siteplan – Temporary Concrete Batch Plant prepared by Cook Engineering Group dated March 2, 2018*
10. *Dropbox link below for PDF format of all documents listed in this submittal,*

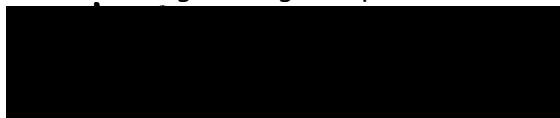
<https://www.dropbox.com/sh/4yggkq7ldhi0nmh/AAA9Zy4FkC9qRxIAAt4fJFM-a?dl=0>

## Attachment 1, Page 2

*11. Letter of Notification for Public Notice for "Zoning Board of Appeals", executed by owner*

Please review the above-listed and enclosed items at your earliest convenience, and feel free to contact me directly if you should have any questions.

Sincerely,  
Cook Engineering Group



Michael D. Cook, P.E.  
President

cc: Mr. Drew Daniels, Member LaSalle National Trust #47016, no enclosures  
Mr. Nick Porter, Plote Construction, Inc. no enclosures



1100 BRANDT DRIVE • HOFFMAN ESTATES, ILLINOIS 60192

ROAD BUILDING  
SITE DEVELOPMENT

PHONE: (847) 695-9300  
Estimating FAX: (847) 695-9317  
Administration FAX: (847) 695-7251

March 1, 2018

Kendall County Planning, Building & Zoning  
Attn: Matthew H. Asselmeier, AICP  
111 West Fox Street  
Yorkville, IL 60560-4139

RE: IDOT Contract #66993: F.A.P Route 591 (US-34 in Yorkville)  
Project #: NHPP-NCII-0591(030)  
Section #: (13) R-2[(13BR) C, (13BR-1) BR]  
Plote Job #: 170450  
Variance Request for a Temporary Concrete Batch Plant & Materials Crushing Site

Matt,

Plote Construction is seeking approval from Kendall County and the City of Yorkville to install a temporary concrete batch plant located at 11443 Route 34, Yorkville, IL 60560, as depicted in the attached drawing. In addition to using the parcel as a temporary batch plant, Plote would also be using this area to recycle the existing asphalt and concrete roadway by crushing the material and producing stone would will be used as the proposed future roadway subbase. This property (old farm site) currently holds two (2) abandoned houses, three (3) sheds, one (1) garage, one (1) collapsed shed, one (1) concrete silo, and a large amount of miscellaneous debris. Upon Kendall County approval, all above ground structures will be removed by the land owner. Once Plote is finished using this property it will be restored to agricultural farm land. This property is located within the construction limits of Plote's IDOT project #66993, but it is just north of the new proposed ROW as part of Kendall County Zoning.

Section 4 - General Provisions listed in the Kendall County Zoning Ordinance manual states, " *b.) The plant shall be located a minimum of one thousand (1,000) feet from any occupied principal structure.*" Plote is requesting a variance from section b. As shown in the attached map, the temporary batch plant and crushing operations would be located a minimum of 400' to 500' from the nearest occupied structure (south of Route 34). Plote will stockpile materials in a way which established a partial barrier between the concrete plant and the houses located in Fox Hill subdivision, south of Route 34. In addition, Plote will follow the other stipulations outlined in the Counties Ordinance Manual. The south side of the property will be used as an equipment and material staging area.

The anticipated use of this property would be from present, March 2018, through December 2019. For the plant and crushing operations, Plote will follow the working hours of 7AM to 5:30PM detailed in the counties manual, unless written approval from the County and City is granted. The materials produced from this property will only serve IDOT project #66993, roadway reconstruction on Rt. 34 from Center Rd. to Eldamain Rd.,



1100 BRANDT DRIVE • HOFFMAN ESTATES, ILLINOIS 60192

ROAD BUILDING  
SITE DEVELOPMENTPHONE: (847) 695-9300  
Estimating FAX: (847) 695-9317  
Administration FAX: (847) 695-7251

and IDOT project #87666, roadway reconstruction on Eldamain Rd. from Rt. 34 to River Rd. While construction equipment and material stockpiles will be located on the property for the duration of the project, actual production days of the concrete plant are estimated between 60 to 80 days for the next two seasons. Actual days of crushing operations are estimated between 40 to 50 days for the next two seasons.

Plote understands that air pollution and construction dust is a concern for the County, City, and residents. Plote has submitted a dust control plan to IDOT which will be followed as part of this property use. In addition, the mobile batch plant is equipped with a "baghouse". A baghouse is an air pollution control device that entraps the majority of dust particles. In addition to the baghouse, Plote will constantly monitor duct and will use a water truck to spray haul roads when needed. Attached are specs for the mobile crusher which would be on site.

IDOT project #66993, includes building a Noise Wall between the houses in Fox Hill subdivision and Route 34. The start of construction of this Noise Wall could begin as early as November 2018. The goal is to work on this Noise Wall during the winter months of 2018/ 2019, into spring of 2019. Once this wall is finished, visual blight and construction noise to project activities will be minimized drastically.

Power for the concrete plant will either be hard wired off the Rt. 34 ComEd lines or a temporary generator. The preferred water source for the concrete plant would be the water hydrant located in the South East corner of Diehl Farm Rd and Rt. 34. Approval through Yorkville with use of a meter will be needed. Plote would bore a rigid conduit under Rt. 34 from the hydrant to the north ROW and run a 3" hose inside the conduit. The conduit would be abandoned and filled when complete using flowable fill or an approved IDOT material.

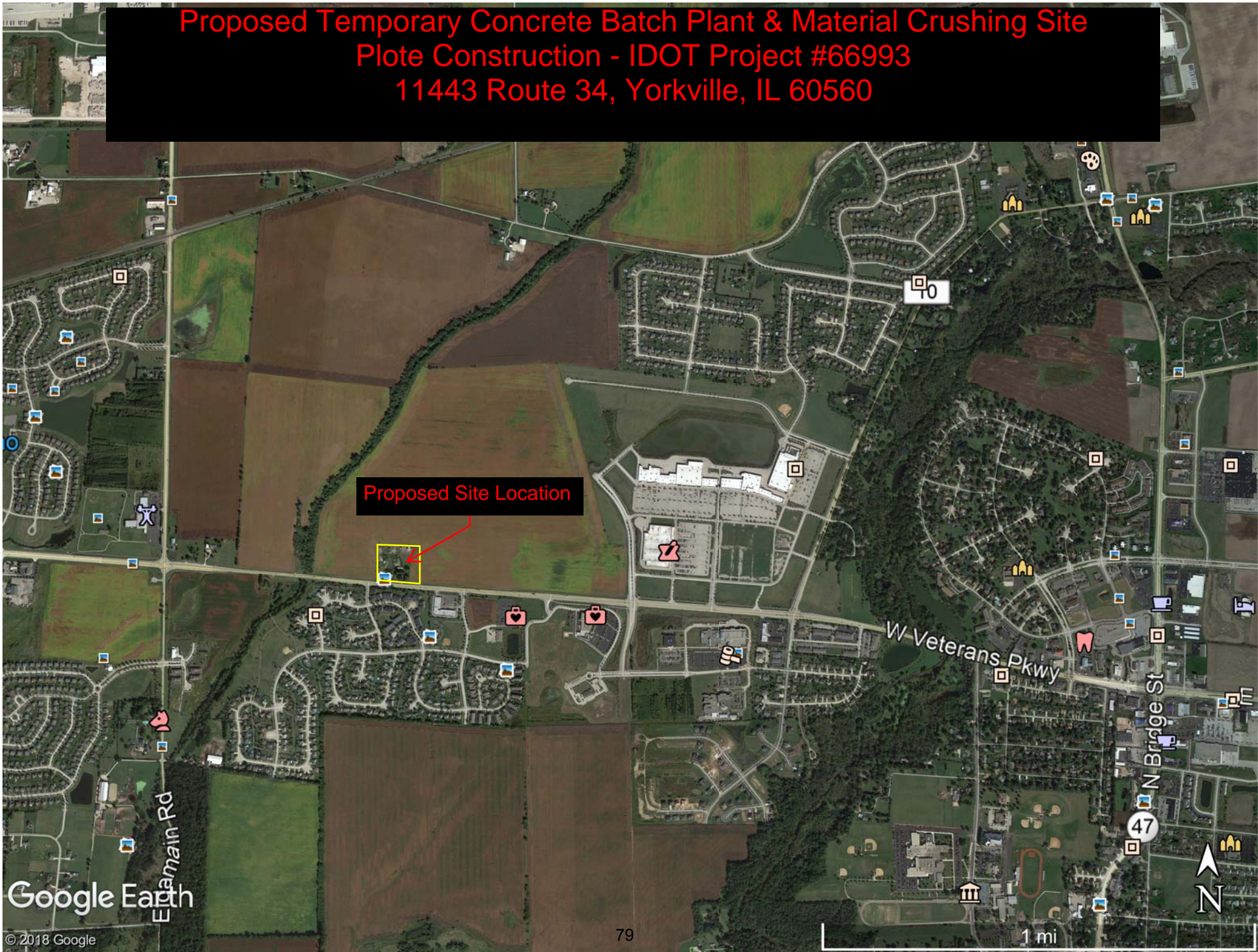
Ingress and Egress to the site would be coordinated with IDOT utilizing IDOT traffic standards. Plote Construction will be responsible for ensuring vehicle track out onto Route 34 is maintained through the use of aggregate construction entrances and street sweeping if needed.

Sincerely,  
Plote Construction, Inc.

[REDACTED]  
Nick Porter  
Plote Construction, Inc  
Project Manager  
[REDACTED]



Proposed Temporary Concrete Batch Plant & Material Crushing Site  
Plate Construction - IDOT Project #66993  
11443 Route 34, Yorkville, IL 60560





# Temporary Concrete Batch Plant & Aggregate Crushing Site Plan

Blue - Plant Pads/ Conveyors

Yellow - Control/ QC Trailers  
Control 10' x 30'  
QC 10' x 36'

Red - Pigs - 12' x 60'

Purple - Generator Trailer  
10' x 55'

Green - Admix Trailer  
10' x 40'

Brown - Material Stockpile

Pink - Concrete Washout  
50' x 20'

Plote to Coordinate  
Ingress/ Egress Signing  
with IDOT Utilizing IDOT  
Traffic Standards

Crushing Area

Wheel Loader Traffic

Concrete Truck Traffic

Cementitious Delivery Traffic

Aggregate Delivery Traffic

Proposed IDOT ROW /  
Construction Work Zone

Proposed Noise  
Barrier Per IDOT

Google Earth

Diehl Farm Rd

34

80

400 ft

N



# PADS FOR PLANT

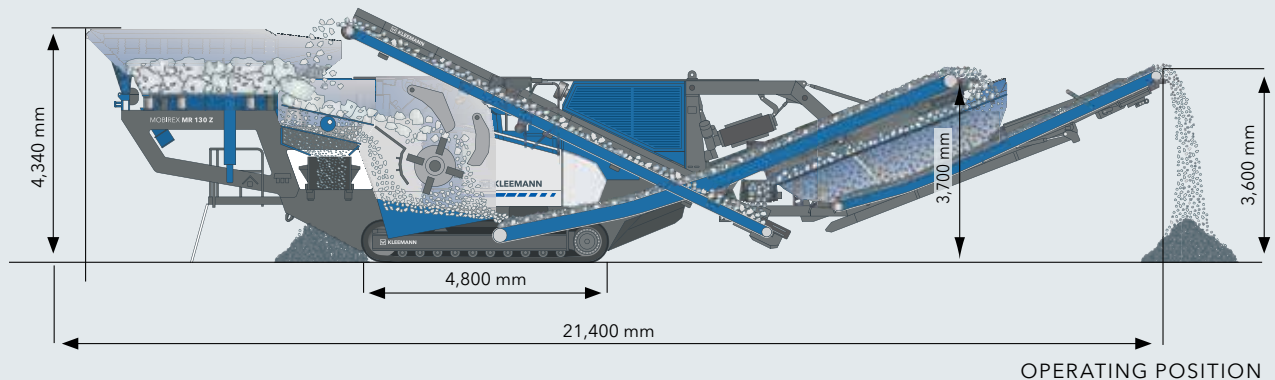




TECHNICAL INFORMATION | TRACK-MOUNTED IMPACT CRUSHERS

# MOBIREX MR 130 Z/130 Zi EVO2





## TECHNICAL HIGHLIGHTS

- Optimised material flow as a result of extending system widths
- Hydraulic gap setting
- Simple and intuitive SPECTIVE control concept
- Efficient and powerful diesel-direct drive
- High-performance secondary screening unit with oversize grain returning (option)

## TECHNICAL INFORMATION MR 130 Z/130 Zi EVO2

### Feeding unit

Feed capacity up to approx. (t/h) <sup>1)</sup>	450
Feed size max. (mm)	1,100 x 700
Feed height (with extension) (mm)	4,340 (4,700)
Hopper volume (with extension) (m <sup>3</sup> )	5.0 (9.0)
Width x Length (with extension) (mm)	2,250 x 3,700 (3,000 x 3,700)

### Vibrating feeder

Width x Length (mm)	1,200 x 2,600
---------------------	---------------

### Prescreening

Type	double-deck heavy-piece screen
Width x Length (mm)	1,200 x 2,300

### Side discharge conveyor (optional)

Width x Length (extended) (mm)	650 x 4,000 (6,000)
Discharge height approx. (extended) (mm)	2,900 (3,650)

### Crusher

Impact crusher type	SHB 130 - 090
Crusher inlet width x height (mm)	1,300 x 900
Crusher weight approx. (kg)	16,500
Rotor diameter (mm)	1,200
Crusher drive type, approx. (kW)	direct, 260
Adjustment of impact toggles	infinitely variable, fully hydraulic
Crushing capacity with demolished concrete up to approx. (t/h)	300 <sup>2)</sup>
Crushing capacity with rubble up to approx. (t/h)	300 <sup>2)</sup>
Crushing capacity with broken asphalt up to approx. (t/h)	260 <sup>3)</sup>
Crushing capacity with limestone up to approx. (t/h)	270 <sup>2)</sup>

### Vibrating extractor

Width x Length (mm)	1,400 x 2,700
---------------------	---------------

### Crusher discharge conveyor

Width x Length (mm)	1,400 x 9,700
Discharge height approx. (mm)	3,700

### Power supply unit

Drive concept	diesel-direct <sup>4)</sup>
MR 130 Z EVO2: Scania (Tier 3/Stage IIIA) (kW)	371 (1,800 rpm)
Scania (LRC) (kW)	410 (1,800 rpm)
MR 130 Zi EVO2: Scania (Tier 4f/Stage IV) (kW)	368 (1,800 rpm)
Generator (kVA)	135

### Secondary screening unit (optional)

Type	single-deck lightweight screen
Width x Length (mm)	1,550 x 4,550
Return conveyor (extended) (mm)	500 x 9,750 (650 x 9,750)
Discharge height of fine grain discharge conveyor approx. (mm)	3,600

### Transport<sup>5)</sup>

Transport height approx. (mm)	3,750
Transport length without (with) screening unit approx. (mm)	18,400 (21,750)
Transport width without (with) screening unit max. (mm)	3,000 (3,150)
Transport weight without (with) screening unit approx. (kg)	49,200 (58,200)
Transport weight of screening unit approx. (kg)	6,400
Transport width with hydraulically foldable side discharge conveyor (mm)	3,100
Transport width with secondary screening unit 500 / 650 (mm)	3,150 / 3,350
Transport width with secondary screening unit 500 / 650 and hydraulically foldable side discharge conveyor (mm)	3,250 / 3,450

<sup>1)</sup> dependent on the type and composition of the feed material, the feed size, the prescreening, as well as the desired final grain size

<sup>2)</sup> for final grain size 0 - 45 mm with approx. 10 - 15% oversize grain

<sup>3)</sup> for final grain size 0 - 32 mm with approx. 10 - 15% oversize grain

<sup>4)</sup> all secondary drives electrically

<sup>5)</sup> no options



## MOBIREX MR 130 Z/130 Zi EVO2

The mobile impact crushers of the EVO-Line can be deployed universally and produce first class final product quality. Despite their comparatively compact crusher inlet widths of 1,100 mm or 1,300 mm (MR 110 EVO2 / MR 130 EVO2), they achieve outputs that up to now were only known to be possible with distinctly larger crushing plant systems. This is made possible by outstanding cost effectiveness and performance with a variety of technical highlights. Thanks to their compact design, the plant systems are easy to transport and can be assembled and disassembled again quickly.

### STANDARD FEATURES

- Hydraulically foldable feed hopper, can be operated from the ground
- Frequency-controlled vibrating feeder
- Frequency-controlled prescreen
- Prescreen with slotted grate or punched plate (upper deck) and wire cloth mesh (lower deck)
- Impact crusher with blow bars set manganese
- Continuous Feed System CFS: for optimal and continuous crusher feed
- Automatic gap setting
- Integrated overload protection
- Lock & Turn (rotor turning and locking device): Device for safely turning and locking the rotor for service purposes or blockages
- Swivel arm for changing blow bars
- Control concept SPECTIVE: menu-guided user interface, 12 inch operator panel
- Lockable control cabinet, protected against dust and vibrations
- Lighting LED
- Eye hooks
- Spray system for dust reduction

### OPTIONS

- Hopper extension: hydraulically foldable
- Side discharge conveyor 4 m: can be mounted on left or right, discharge height approx. 2,900 mm; disassembled for transport, inclusive spray system
- Extended side discharge conveyor 6 m: can be mounted on left or right, discharge height approx. 3,650 mm, disassembled for transport, inclusive spray system
- Belt cover side discharge conveyor (sheet, metal) in conjunction with rigid side discharge conveyor
- Side discharge conveyor, hydraulically folding can be used on both sides, discharge height 3,390 mm, remains on the plant while transport, incl. spray system
- Different loose screen coverings: slotted grates, punched plate, wire cloth meshes
- Wide portfolio of blow bars and impact plates
- Climate packages: Hot or cold package
- Electromagnetic separator, permanent magnet or magnet preparation
- Secondary screening unit, in comfortable container dimension, suitable for hook and lift available with 500 or 650 mm return conveyor
- Belt scale, available for crusher discharge conveyor and fine grain conveyor (secondary screening unit)
- Wind sifter for removing foreign material and light elements from the oversize grain by means of an 11 kW blower with air outlet below the transfer. Only available in conjunction with the secondary screening unit.
- Socket 110 V
- Track pads for the crawler chassis to protect subsurface

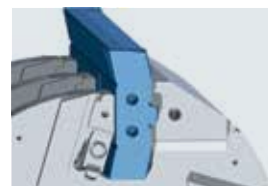


## SPARE PARTS

Cost-effective operation of the machine also requires selection of the correct wear parts. KLEEMANN original parts are ideally tuned to the requirements of users and machines. They are characterised by a long service life, superior quality, high availability and trouble-free assembly. We support our customers with our application know-how and competent advice, which allows them to find the optimum wear part for their specific application.

## BLOW BARS

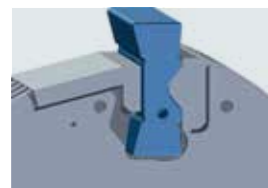
Machine type	Shape blow bar	Size W x H x L [mm]	Blow bars Manganese	Blow bars Martensitic	Blow bars CERAMCO MP	Blow bars CERAMPRO	Blow bars Chrome steel	Blow bars Chrome steel with ceramics
MR 110 Z EVO2	C-Shape	90 x 360 x 1,080	x	x	x	x	x	x
MR 122 Z	X-Shape	130 x 340 x 1,250	x	x	x			
MR 130 Z EVO2	C-Shape	100 x 370 x 1,280	x	x	x	x	x	x
MR 150 Z	X-Shape	135 x 370 x 1,500	x	x	x			



C-Shape



S-Shape

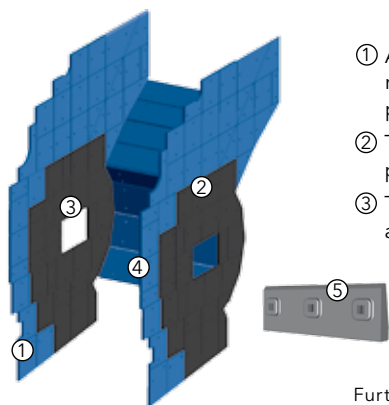


X-Shape

Material	Feeding Material						
	Soft and middle hard stones (i.e. Limestone), Gravel < 150 N/mm	Hard stone non abrasiv (i.e. Basalt), Gravel	Hard stone abrasiv (i.e. Granite), Gravel	Asphalt	Concrete low percentage ferrous material	Concrete high percentage ferrous material	Rubble
Manganese	●	●	●	●	●	●	●
Martensitic	●	● < 450 mm	●	●	●	●	●
Martensitic with ceramics	● < 450 mm	● < 450 mm	● < 450 mm	●	●	●	●
Chrome steel with ceramics	● < 250 mm	● < 250 mm	● < 250 mm	●	●	●	●
Chrome steel	● < 250 mm	● < 250 mm	● < 250 mm	●	●	●	●

● strongly recommended    ● recommended with restrictions    ● not recommended

## IMPACT PLATES



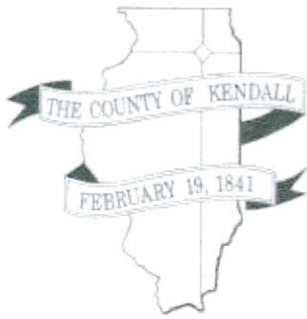
- ① All wear plates from the main wear zone with mounting hardware are included in the service package for easy exchange.
- ② Thick-walled KLEEMANN Resistant Steel wear plates protect the housing.
- ③ The wear plates are for the most part interchangeable, greatly reducing the spare parts stock.

- ④ The mounting hardware includes all necessary screws for a secure fit.
- ⑤ Example of a manganese cast impact plate, which is individually replaceable depending on the machine and requirement.\*

\* 2 qualities available: manganese and martensitic

Further information can be found at [www.partsandmore.net](http://www.partsandmore.net) or in our Parts and more catalogue




**DEPARTMENT OF PLANNING, BUILDING & ZONING**

 111 West Fox Street • Yorkville, IL • 60560  
 (630) 553-4141 Fax (630) 553-4179

**APPLICATION**

PROJECT NAME \_\_\_\_\_ FILE #: \_\_\_\_\_

<b>NAME OF APPLICANT</b>		
LaSalle National Trust #47016		
<b>CURRENT LANDOWNER/NAME(s)</b>		
Daniels Malinski Yorkville Family, LLLP		
<b>SITE INFORMATION</b>	<b>SITE ADDRESS OR LOCATION</b>	<b>ASSESOR'S ID NUMBER (PIN)</b>
ACRES	Parts of the	02-19-400-009
Roughly 5 Acres	Following 3 PINs:	02-30-200-023 02-19-400-010
<b>EXISTING LAND USE</b>	<b>CURRENT ZONING</b>	<b>LAND CLASSIFICATION ON LRMP</b>
Vacant Farmhouse	Agricultural	Commercial
<b>REQUESTED ACTION</b> (Check All That Apply):		
<input type="checkbox"/> SPECIAL USE <input type="checkbox"/> MAP AMENDMENT (Rezone to _____) <input checked="" type="checkbox"/> VARIANCE <input type="checkbox"/> ADMINISTRATIVE VARIANCE <input type="checkbox"/> A-1 CONDITIONAL USE for: _____ <input type="checkbox"/> SITE PLAN REVIEW <input type="checkbox"/> TEXT AMENDMENT <input type="checkbox"/> RPD ( <input type="checkbox"/> Concept; <input type="checkbox"/> Preliminary; <input type="checkbox"/> Final ) <input type="checkbox"/> ADMINISTRATIVE APPEAL <input type="checkbox"/> PRELIMINARY PLAT <input type="checkbox"/> FINAL PLAT <input type="checkbox"/> OTHER PLAT (Vacation, Dedication, etc.) <input type="checkbox"/> AMENDMENT TO A SPECIAL USE ( <input type="checkbox"/> Major; <input type="checkbox"/> Minor )		
<b>PRIMARY CONTACT</b>	<b>PRIMARY CONTACT MAILING ADDRESS</b>	<b>PRIMARY CONTACT EMAIL</b>
Drew Daniels	[REDACTED]	[REDACTED]
<b>PRIMARY CONTACT PHONE #</b>	<b>PRIMARY CONTACT FAX #</b>	<b>PRIMARY CONTACT OTHER # (Cell, etc.)</b>
[REDACTED]	[REDACTED]	[REDACTED]
<b>ENGINEER CONTACT</b>	<b>ENGINEER MAILING ADDRESS</b>	<b>ENGINEER EMAIL</b>
Michael Cook	[REDACTED]	[REDACTED]
<b>ENGINEER PHONE #</b>	<b>ENGINEER FAX #</b>	<b>ENGINEER OTHER # (Cell, etc.)</b>
[REDACTED]	[REDACTED]	[REDACTED]
I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.		
I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES.		
<b>SIGNATURE OF APPLICANT</b>	<b>DATE</b>	
[REDACTED]	3/1/18	
DMYF, LLLP General Partner		

 FEE PAID: \$ \_\_\_\_\_  
 CHECK #: \_\_\_\_\_

<sup>1</sup>Primary Contact will receive all correspondence from County

<sup>2</sup>Engineering Contact will receive all correspondence from the County's Engineering Consultants

## **LEGAL DESCRIPTION – LASALLE NATIONAL TRUST #47016**

*Taken from Wheatland Title Guaranty Company's Title Commitment WTG No. 13-2013KL-2189.0 effective date March 21, 2016 as furnished by Owner*

### **PARCEL 1**

THAT PART OF THE SOUTH 1/2 OF SECTION 19 AND THE NORTH 1/2 OF SECTION 30, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE CENTER OF SAID SECTION 19; THENCE SOUTH 00° 48' 07" EAST ALONG THE QUARTER LINE 257.40 FEET; THENCE NORTH 83° 55' 03" WEST 1944.30 FEET TO A POINT WHICH IS 1930.58 FEET SOUTH 88° 28' 32" WEST FROM THE POINT OF BEGINNING; THENCE SOUTH 88° 28' 32" WEST ALONG SAID NORTH LINE 204.60 FEET; THENCE SOUTH 02° 08' 40" WEST 2489.33 FEET TO THE PRESENT CENTER LINE OF U. S. HIGHWAY NO. 34; THENCE EASTERLY ALONG SAID CENTER LINE 2001.79 FEET TO A POINT ON SAID CENTER LINE WHICH IS NORTH 84° 54' 42" WEST FROM THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 30 (AS MEASURED ALONG THE CENTER LINE OF SAID U. S. HIGHWAY NO. 34); THENCE NORTH 05° 05' 18" EAST AT RIGHT ANGLES TO SAID CENTER LINE 231.00 FEET; THENCE SOUTH 84° 54' 42" EAST PARALLEL WITH SAID CENTER LINE 565.71 FEET; THENCE SOUTH 05° 05' 18" WEST AT RIGHT ANGLES TO SAID CENTER LINE 231.00 FEET TO SAID CENTER LINE; THENCE SOUTH 84° 54' 42" EAST ALONG SAID CENTER LINE 2370.99 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 30; THENCE NORTH 00° 39' 04" WEST ALONG SAID EAST LINE 429.15 FEET TO THE NORTHEAST CORNER OF SAID SECTION 30; THENCE NORTH 00° 39' 04" WEST ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 19, 301.20 FEET; THENCE SOUTH 89° 20' 56" WEST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, 227.23 FEET; THENCE NORTH 15° 08' 07" WEST 2403.75 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION 19 WHICH IS 1826.22 FEET NORTH 88° 28' 32" EAST FROM THE POINT OF BEGINNING; THENCE SOUTH 88° 28' 32" WEST ALONG SAID NORTH LINE, 1826.22 FEET TO THE POINT OF BEGINNING; IN THE TOWNSHIP OF BRISTOL, KENDALL COUNTY, ILLINOIS.

### **PARCEL 2**

THAT PART OF THE SOUTH 1/2 OF SECTION 19 AND THE NORTH 1/2 OF SECTION 30, TOWNSHIP 37 NORTH, RANGE 7, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF STATE ROUTE 34 AND THE EAST LINE OF SAID SECTION 30; THENCE WESTERLY ALONG THE CENTER LINE OF SAID ROUTE 34, 2370.99 FEET FOR THE POINT OF BEGINNING; THENCE NORTHERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, 231 FEET; THENCE WESTERLY PARALLEL TO THE CENTER LINE OF STATE ROUTE 34, 565.71 FEET; THENCE SOUTHERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE 231 FEET TO THE CENTER LINE OF SAID ROUTE 34; THENCE EASTERLY ALONG THE CENTER LINE OF SAID ROUTE 34, 565.71 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF BRISTOL, KENDALL COUNTY, ILLINOIS.

EXCEPT THAT PART OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, KENDALL COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF OUTLOT 1 OF FOX HILL UNIT ONE PLANNED UNIT DEVELOPMENT, BRISTOL TOWNSHIP, KENDALL COUNTY, ILLINOIS, RECORDED IN CABINET 3, SLOTS 508 A&B AND 509 A&B AS DOCUMENTED NO. 9410594 IN THE RECORDER'S OFFICE OF KENDALL COUNTY; THENCE NORTH 06 DEGREES 22 MINUTES 18 SECONDS EAST, ON A BEARING REFERENCED TO AN ASSUMED NORTH, 15.240 METERS (50.00 FEET) TO THE CENTERLINE OF F.A. 591 AND THE POINT OF BEGINNING; THENCE NORTH 83 DEGREES

# Attachment 1, Page 14

37 MINUTES 42 SECONDS WEST 93.518 METERS (306.82 FEET) ON SAID CENTERLINE; THENCE WESTERLY 213.414 METERS (700.18 FEET) ALONG AN 11,642.530 METERS (38,197.20) RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS NORTH 84 DEGREES 09 MINUTES 12 SECONDS WEST 213.411 METERS (700.17 FEET); THENCE NORTH 02 DEGREE 08 MINUTES 42 SECONDS EAST 15.263 METERS (50.08 FEET); THENCE EASTERLY 208.048 METERS (682.57 FEET) ALONG AN 11,657.770 METER (38,247.20 FOOT) RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS SOUTH 84 DEGREES 10 MINUTES 17 SECONDS EAST 208.046 METERS (682.56 FEET); THENCE NORTH 85 DEGREES 35 MINUTES 28 SECONDS EAST 25.458 METERS (83.52 FEET); THENCE SOUTH 83 DEGREES 37 MINUTES 42 SECONDS EAST 50.000 METERS (164.04 FEET); THENCE SOUTH 72 DEGREES 50 MINUTES 54 SECONDS EAST 25.449 (83.49 FEET); THENCE SOUTH 83 DEGREES 37 MINUTES 42 SECONDS EAST 2.433 METERS (7.98 FEET); THENCE SOUTH 00 DEGREES 39 MINUTES 02 SECONDS EAST 15.355 METERS (50.38 FEET) TO SAID CENTERLINE; THENCE NORTH 83 DEGREES 37 MINUTES 42 SECONDS WEST 4.311 METERS (14.14 FEET) ALONG SAID CENTERLINE TO THE POINT OF BEGINNING, CONTAINING 0.5095 HECTARE (1.259 ACRES), MORE OR LESS, OF WHICH 0.4738 HECTARE (1.171 ACRES), MORE OR LESS, ARE IN THE EXISTING RIGHT OF WAY, SITUATED IN THE COUNTY OF KENDALL AND STATE OF ILLINOIS.

THE ABOVE PARCEL BEING SHOWN ON SHEET 2 OF THE RIGHT OF WAY PLANS FOR F.A. 591 (U.S. ROUTE 34), SECTION 13BR, RECORDED AS DOCUMENT NUMBER 9702750, FLAT FILE, 5-55 IN THE RECORDER'S OFFICE OF KENDALL COUNTY, ILLINOIS.

ALSO EXCEPT THAT PART CONVEYED THE UNITED CITY OF YORKVILLE IN DEED RECORDED AS DOCUMENT NO. 201400012767 TO WIT:

THAT PART OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHERLY CORNER OF SAID SECTION 30, THENCE SOUTH 01 DEGREES 14 MINUTES 12 SECONDS EAST, 304.62 FEET ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 30 TO THE POINT OF BEGINNING, THENCE CONTINUING SOUTH 01 DEGREES 14 MINUTES 12 SECONDS EAST, 74.37 FEET ALONG SAID EAST LINE OF THE NORTHERLY RIGHT OF WAY LINE OF U.S. ROUTE 34; THENCE CONTINUING SOUTH 01 DEGREES 14 MINUTES 12 SECONDS EAST, 50.25 FEET ALONG SAID EAST LINE TO THE CENTERLINE OF U.S. ROUTE 34; THENCE NORTH 85 DEGREES 32 MINUTES 10 SECONDS WEST, 1879.99 FEET ALONG SAID CENTERLINE, THENCE NORTH 04 DEGREES 27 MINUTES 50 SECONDS EAST, 50.00 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF U.S. ROUTE 34; THENCE NORTH 76 DEGREES 01 MINUTE 45 SECONDS EAST, 79.06 FEET TO A POINT 25.00 FEET NORTHERLY OF SAID NORTHERLY RIGHT OF WAY LINE OF U.S. ROUTE 34; THENCE SOUTH 85 DEGREES 32 MINUTES 10 SECONDS EAST, 1748.26 FEET PARALLEL WITH AND 25.00 FEET NORTH OF SAID NORTHERLY RIGHT OF WAY LINE, THENCE NORTH 46 DEGREES 36 MINUTES 49 SECONDS EAST 66.09 FEET TO POINT OF BEGINNING, ALL IN THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS.

PERMANENT TAX NUMBER(S): 02-19-300-006; 02-19-400-006; 02-19-400-005; 02-30-100-002; 02-30-300-006

COPY

03/28/2016

Prepared For:

Illinois Department of Transportation 3  
700 East Norris Drive  
Ottawa, IL 61350

Effective Date of Title Commitment: September 09, 2013  
Effective Date of Later Date: March 21, 2016

Job:	R-93-010-013	WTG#:	I3-2013KL-2189.0
FAP:	591 (US 34)	Effective Date:	March 21, 2016
County:	Kendall	Section:	19
Section:	(13) R-2 & BY	Township:	37
Parcel:	3XQ0004	Range:	7

Tax Parcel Number(s):  
02-19-300-006; 02-19-400-006; 02-19-400-005; 02-30-100-002; 02-30-200-006

03/28/2016

Job R-93-010-013  
FAP 591 (US 34)  
County Kendall  
Section (13) R-2 & BY  
Parcel 3XQ0004

## A.L.T.A. COMMITMENT FORM

### Schedule A

WTG Number: I3-2013KL-2189.0  
Effective Date: March 21, 2016

1. Policy or Policies to be issued: 2006 ALTA Owner's  
Proposed Amount of Insurance: \$1,000.00  
Proposed Insured: The People of the State of Illinois  
Department of Transportation
2. The estate or interest in the land described or referred to in this commitment is  
a Fee Simple and title hereto is at the effective date hereof vested in:  
  
Chicago Title Land Trust Company successor to LaSalle National  
Bank, as Trustee under the provisions of a Trust Agreement dated  
December 1, 1973, and known as Trust Number 47016
3. The land referred to in this commitment is described as follows:

See Attached Page 2 of Schedule A

ISSUED BY:

Wheatland Title Guaranty Company  
105 W. Veterans Parkway  
Yorkville, Illinois 60560

Agent for:  
Fidelity National Title Insurance Company

03/28/2016

Job R-93-010-013  
 FAP 591 (US 34)  
 County Kendall  
 Section (13) R-2 & BY  
 Parcel 3XQ0004

WTG Number: I3-2013KL-2189.0

**A.L.T.A. COMMITMENT FORM****Schedule A Continued**LEGAL DESCRIPTION

PARCEL ONE: THAT PART OF THE SOUTH 1/2 OF SECTION 19 AND THAT PART OF THE NORTH 1/2 OF SECTION 30, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS, BEGINNING AT THE CENTER OF SAID SECTION 19, THENCE SOUTH 00 DEGREES 48 MINUTES 07 SECONDS EAST ALONG THE QUARTER SECTION LINE 257.40 FEET; THENCE NORTH 83 DEGREES 55 MINUTES 03 SECONDS WEST 1944.30 FEET TO A POINT OF THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 19, WHICH IS 1930.58 FEET SOUTH 88 DEGREES 28 MINUTES 32 SECONDS WEST FROM THE POINT OF BEGINNING; THENCE SOUTH 88 DEGREES 28 MINUTES 32 SECONDS WEST ALONG SAID NORTH LINE 204.60 FEET, THENCE SOUTH 02 DEGREES 08 MINUTES 40 SECONDS WEST 2489.33 FEET TO THE PRESENT CENTER LINE OF U.S. HIGHWAY NO. 34; THENCE EASTERLY ALONG SAID CENTER LINE 2001.79 FEET TO A POINT ON SAID CENTER LINE WHICH IS 2936.70 FEET NORTH 84 DEGREES 40.54 MINUTES 42 SECONDS WEST FROM THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 30 ( AS MEASURED ALONG THE CENTER LINE OF SAID U.S. HIGHWAY NO. 34), THENCE NORTH 5 DEGREES 05 MINUTES 18 SECONDS EAST AT RIGHT ANGLES TO SAID CENTER LINE 231.00 FEET TO SAID CENTER LINE; THENCE SOUTH 84 DEGREES 54 MINUTES 42 SECONDS EAST PARALLEL WITH SAID CENTER LINE 565.71 FEET; THENCE SOUTH 5 DEGREES 05 MINUTES 18 SECONDS WEST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE 231.00 FEET TO SAID CENTER LINE; THENCE SOUTH 84 DEGREES 54 MINUTES 42 SECONDS EAST ALONG SAID CENTER LINE 2370.99 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 30, THENCE NORTH 00 DEGREES 39 MINUTES 04 SECONDS WEST ALONG SAID EAST LINE 429.15 FEET TO THE NORTHEAST CORNER OF SAID SECTION 30; THENCE NORTH 00 DEGREES 39 MINUTES 04 SECONDS WEST ALONG THE EAST LINE OF THE

ISSUED BY:  
 Wheatland Title Guaranty Company  
 105 W. Veterans Parkway  
 Yorkville, Illinois 60560

Agent for:  
 Fidelity National Title Insurance Company

# Attachment 1, Page 18

03/28/2016

Job R-93-010-013  
FAP 591 (US 34)  
County Kendall  
Section (13) R-2 & BY  
Parcel 3XQ0004

SOUTHEAST 1/4 OF SAID SECTION 19, 310.20 FEET, THENCE SOUTH 89 DEGREES 20 MINUTES 56 SECONDS WEST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE 277.32 FEET; THENCE NORTH 15 DEGREES 08 MINUTES 07 SECONDS WEST 2403.75 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION 19 WHICH IS 1826.22 FEET NORTH 88 DEGREES 28 MINUTES 32 SECONDS EAST FROM THE POINT OF BEGINNING; THENCE SOUTH 88 DEGREES 28 MINUTES 32 SECONDS WEST ALONG SAID NORTH LINE 1826.22 FEET TO THE POINT OF BEGINNING IN THE TOWNSHIP OF BRISTOL, KENDALL COUNTY, ILLINOIS. SITUATED IN THE COUNTY OF KENDALL AND STATE OF ILLINOIS.

PARCEL 2: THAT PART OF THE SOUTH 1/2 OF SECTION 19 AND THE NORTH 1/2 OF SECTION 30, TOWNSHIP 37 NORTH, RANGE 7, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF STATE ROUTE NO. 34 AND THE EAST LINE OF SAID SECTION 30; THENCE WESTERLY ALONG THE CENTER LINE OF SAID ROUTE 34, 2370.99 FEET FOR THE POINT OF BEGINNING; THENCE NORTHERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, 231 FEET; THENCE WESTERLY PARALLEL TO THE CENTER LINE OF SAID ROUTE 34, 565.71 FEET; THENCE SOUTHERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE 231 FEET TO THE CENTER LINE OF SAID ROUTE 34; THENCE EASTERLY ALONG THE CENTER LINE OF SAID ROUTE 34, 565.71 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF BRISTOL, KENDALL COUNTY, ILLINOIS. SITUATED IN THE COUNTY OF KENDALL AND STATE OF ILLINOIS.

EXCEPT THAT PART OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, KENDALL COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF OUTLOT 1 OF FOX HILL UNIT ONE PLANNED UNIT DEVELOPMENT, BRISTOL TOWNSHIP, KENDALL COUNTY, ILLINOIS, RECORDED IN CABINET 3, SLOTS 508 A & B AND 509 A & B AS DOCUMENT NO. 9410594 IN THE RECORDER'S OFFICE OF KENDALL COUNTY; THENCE NORTH 06 DEGREES 22 MINUTES 18 SECONDS EAST, ON A BEARING REFERENCED TO AN ASSUMED NORTH, 15.240 METERS [50.00 FEET] FEET TO THE

ISSUED BY:  
Wheatland Title Guaranty Company  
105 W. Veterans Parkway  
Yorkville, Illinois 60560

Agent for:  
Fidelity National Title Insurance Company



03/28/2016

Job R-93-010-013  
 FAP 591 (US 34)  
 County Kendall  
 Section (13) R-2 & BY  
 Parcel 3XQ0004

CENTERLINE OF F.A. 591 AND THE POINT OF BEGINNING; THENCE NORTH 83 DEGREES 37 MINUTES 42 SECONDS WEST 93.518 METERS [306.82 FEET] ON SAID CENTERLINE; THENCE WESTERLY 213.414 METERS [700.18 FEET] ALONG AN 11,642.530 METER [38,197.20 FOOT] RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS NORTH 84 DEGREES 09 MINUTES 12 SECONDS WEST 213.411 METERS [700.17 FEET]; THENCE NORTH 02 DEGREES 08 MINUTES 42 SECONDS EAST 15.263 METERS [50.08 FEET]; THENCE EASTERLY 208.048 METERS [682.57 FEET] ALONG AN 11,657.770 METER [38,247.20 FOOT] RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS SOUTH 84 DEGREES 10 MINUTES 17 SECONDS EAST 208.046 METERS [682.56 FEET]; THENCE NORTH 85 DEGREES 35 MINUTES 28 SECONDS EAST 25.458 METERS [83.52 FEET]; THENCE SOUTH 83 DEGREES 37 MINUTES 42 SECONDS EAST 50.000 METERS [164.04 FEET]; THENCE SOUTH 72 DEGREES 50 MINUTES 54 SECONDS EAST 25.449 METERS [83.49 FEET]; THENCE SOUTH 83 DEGREES 37 MINUTES 42 SECONDS EAST 2.433 METERS [7.98 FEET]; THENCE SOUTH 00 DEGREES 39 MINUTES 02 SECONDS EAST 15.355 METERS [50.38 FEET] TO SAID CENTERLINE; THENCE NORTH 83 DEGREES 37 MINUTES 42 SECONDS WEST 4.311 METERS [14.14 FEET] ALONG SAID CENTERLINE TO THE POINT OF BEGINNING, CONTAINING 0.5095 HECTARE [1.259 ACRES], MORE OR LESS, OF WHICH 0.4738 HECTARE [1.171 ACRES], MORE OR LESS, ARE IN THE EXISTING RIGHT OF WAY. SITUATED IN THE COUNTY OF KENDALL AND STATE OF ILLINOIS.

THE ABOVE PARCEL BEING SHOWN ON SHEET 2 OF THE RIGHT OF WAY PLANS FOR F.A. 591 (U.S. ROUTE 34), SECTION 13BR, RECORDED AS DOCUMENT NUMBER 9702750, FLAT FILE, 5-55 IN THE RECORDER'S OFFICE OF KENDALL COUNTY, ILLINOIS.

ALSO EXCEPT THAT PART CONVEYED TO THE UNITED CITY OF YORKVILLE IN DEED RECORDED AS DOCUMENT NO. 201400012767 TO WIT:

THAT PART OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHERLY CORNER OF SAID SECTION 30,

ISSUED BY:  
 Wheatland Title Guaranty Company  
 105 W. Veterans Parkway  
 Yorkville, Illinois 60560

Agent for:  
 Fidelity National Title Insurance Company

03/28/2016

Job R-93-010-013  
FAP 591 (US 34)  
County Kendall  
Section (13) R-2 & BY  
Parcel 3XQ0004

THENCE SOUTH 01 DEGREE 14 MINUTES 12 SECONDS EAST, 304.62 FEET ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 30 TO THE POINT OF BEGINNING, THENCE CONTINUING SOUTH 01 DEGREE 14 MINUTES 12 SECONDS EAST, 74.37 FEET ALONG SAID EAST LINE OF THE NORTHERLY RIGHT OF WAY LINE OF U.S. ROUTE 34; THENCE CONTINUING SOUTH 01 DEGREE 14 MINUTES 12 SECONDS EAST, 50.25 FEET ALONG SAID EAST LINE TO THE CENTERLINE OF U.S. ROUTE 34; THENCE NORTH 85 DEGREES 32 MINUTES 10 SECONDS WEST, 1879.99 FEET ALONG SAID CENTERLINE, THENCE NORTH 04 DEGREES 27 MINUTES 50 SECONDS EAST, 50.00 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF U.S. ROUTE 34; THENCE NORTH 76 DEGREES 01 MINUTE 45 SECONDS EAST, 79.06 FEET TO A POINT 25.00 FEET NORTHERLY OF SAID NORTHERLY RIGHT OF WAY LINE OF U.S. ROUTE 34; THENCE SOUTH 85 DEGREES 32 MINUTES 10 SECONDS EAST, 1748.26 FEET PARALLEL WITH AND 25.00 FEET NORTH OF SAID NORTHERLY RIGHT OF WAY LINE, THENCE NORTH 46 DEGREES 36 MINUTES 49 SECONDS EAST, 66.09 FEET TO POINT OF BEGINNING. ALL IN THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS.

PERMANENT TAX NUMBER(S): 02-19-300-006; 02-19-400-006; 02-19-400-005; 02-30-100-002; 02-30-200-006

ISSUED BY:  
Wheatland Title Guaranty Company  
105 W. Veterans Parkway  
Yorkville, Illinois 60560

Agent for:  
Fidelity National Title Insurance Company

03/28/2016

WTG Number:

I3-2013KL-2189.0

**A.L.T.A. COMMITMENT FORM**

**Schedule B  
Exceptions**

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

**GENERAL EXCEPTIONS:**

1. Rights or claims of parties in possession not shown by the public records.
2. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.
3. Easements, or claims of easements, not shown by the public records.
4. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Taxes or special assessments which are not shown as existing liens by the public records.
6. Loss or damage by reason of there being recorded in the public records, any deeds, mortgages, lis pendens, liens or other title encumbrances subsequent to the Commitment date and prior to the effective date of the final Policy.

**SPECIAL EXCEPTIONS:**

1. The lien of taxes for the year 2015 and thereafter.

2014 taxes in the amount of \$2,488.64 are paid

PERMANENT TAX NUMBER: 02-19-300-006

2014 taxes in the amount of \$10,574.76 are paid

PERMANENT TAX NUMBER: 02-19-400-006

ISSUED BY:  
Wheatland Title Guaranty Company  
105 W. Veterans Parkway  
Yorkville, Illinois 60560

Agent for:  
Fidelity National Title Insurance Company

03/28/2016

WTG Number:

13-2013KL-2189.0

2014 taxes in the amount of \$2,120.66 are paid

PERMANENT TAX NUMBER: 02-19-400-005

There are no taxes due or owing for the year of 2014 for the property in question.

PERMANENT TAX NUMBER: 02-30-100-002

There are no taxes due or owing for the year of 2014 for the property in question.

PERMANENT TAX NUMBER: 02-30-200-006

2. Rights of parties in possession, encroachments, overlaps, overhangs, unrecorded easements, deficiency in quantity of ground, farm drainage systems, tile systems or irrigation systems which would be disclosed by an accurate survey and inspection of the premises.
3. Rights of the Public, the State and the Municipality in and to that part of the land, if any, taken or used for road purposes.
4. Confirmed Special Assessments, if any, not certified to by the Company.
5. Financing Statements, if any, not certified to by the Company.
6. For information purposes only, the taxes are assessed to the following:  
  
For Parcel(s): 02-19-300-006; 02-19-400-006; 02-19-400-005; 02-30-100-002;  
02-30-200-006  
LaSalle National Bank #47016  
c/o Carole Malinski; 8 Arden Ct  
Oak Brook, IL 60521
7. Conveyances within the past five years: None.
8. Contiguous property owned by record title holder: None.

ISSUED BY:  
Wheatland Title Guaranty Company  
105 W. Veterans Parkway  
Yorkville, Illinois 60560

Agent for:  
Fidelity National Title Insurance Company

03/28/2016

WTG Number:

I3-2013KL-2189.0

9. A Dedication of Right of Way for Public Road Purposes dated September 11, 1922 and recorded September 29, 1911 in Book 72, Page 580 made by Nina W. Bell and Harry Bell to The People of the State of Illinois acting by and through the Department of Public Works and Buildings recorded in the Kendall County Recorder's Office.
10. A Dedication of Right of Way for Public Road Purposes dated January 15, 1943 and recorded May 10, 1943 in Book 98, Page 470 made by Richard L. Burke and Agnes D. Burke to The People of the State of Illinois acting by and through the Department of Public Works and Buildings recorded in the Kendall County Recorder's Office.
11. A Permit dated February 28, 1952 and recorded May 24, 1952 in Book 109 Page 448 made by R. C. Burke and Agnes Burke to Illinois Bell Telephone Company recorded in the Kendall County Recorder's Office.
12. A Pipe Line Right dated February 13, 1953 and recorded May 22, 1953 in Book 111 Page 134 made by R. C. Burke and Agnes Burke to Public Service Company of Northern Illinois recorded in the Kendall County Recorder's Office.
13. An Annexation Ordinance #1995-02 recorded October 25, 1995 as Document No. 9508906 for The Plano Community Library District recorded in the Kendall County Recorder's Office.
14. Right of Way Plans (F.A. 591 [U.S. 34]) recorded March 26, 1997 as Document No. 9702750 in the Kendall County Recorder's Office.
15. A Subordination of Surface Rights dated September 3, 2003 and recorded September 10, 2003 as Document No. 200300032744 made by Ameritech to State of Illinois Department of Transportation recorded in the Kendall County Recorder's Office.
16. An Easement dated December 1, 1973 and recorded June 7, 2005 as Document No. 200500015707 made by LaSalle National Bank, as Trustee under the provisions of a Trust Agreement dated December 1, 1973, and known as Trust Number 47016 to Yorkville-Bristol Sanitary District recorded in the Kendall County Recorder's Office.
17. Terms, powers, provisions and limitations of the Trust under which title to said land is held.

- End Schedule B -

Please refer all inquiries to John D. Ammons at (630) 892-2323.

ISSUED BY:  
Wheatland Title Guaranty Company  
105 W. Veterans Parkway  
Yorkville, Illinois 60560

Agent for:  
Fidelity National Title Insurance Company

03/28/2016

WTG Number: I3-2013KL-2189.0

## MINUTES OF CONDEMNATION

In order that we may guarantee title after completion of any proceedings for condemnation in exercise of the proposed insured's right of eminent domain, we note the following.

- I. Upon the filing of complaint a proper Lis Pendens Notice should be recorded in the appropriate Recorder's office.
- II. Our Policy, when issued, will be subject to direct attack upon any decrees and or judgments entered in the proceedings.
- III. The following persons are necessary parties to any such proceedings.
  - A. All parties acquiring rights in the premises subsequent to the date of the report and prior to a complete Lis Pendens.
  - B. Any person other than those herein named known to the Plaintiff or the Plaintiff's attorney to have or claim an interest in the premises.
  - C. If it is known that any of the necessary parties named herein are deceased, their heirs or devisees should be made parties by name, if known, and if unknown, then by the name and description of Unknown Heirs and Devisees of such deceased person or persons.
  - D. If it is not known or cannot be ascertained whether any of said necessary parties be living or dead, then such parties should be made parties by name, also such parties should be their heirs or devisees, should be made parties to the proceedings as UNKNOWN OWNERS.
  - E. All persons in possession of any part of the premises in question and all persons whose rights would be disclosed by an inspection of the premises.
  - F. All parties claiming by through or under lease agreements whether oral or written, for premises.
  - G. All parties claiming by or through or under installment contracts for deed or like agreements.

# Attachment 1, Page 25

WTG Number: I3-2013KL-2189.0

## MINUTES OF CONDEMNATION CONTINUED

IV. The following persons are noted of record and are necessary parties to any proceedings:

H. The Plaintiff is:

The People of the State of Illinois, Department of Transportation

I. The Defendants are:

1. Chicago Title Land Trust Company successor to LaSalle National Bank, as Trustee under the provisions of a Trust Agreement dated December 1, 1973, and known as Trust Number 47016

J. Any parties named above who have executed all necessary documents for the Grant of Easement and Right of Way after payment of agreed consideration theretofore need not be joined as party defendants for our policy to be issued.

## END MINUTES OF CONDEMNATION

Please refer all inquiries to John D. Ammons at (630) 892-2323



# Attachment 1, Page 26

## KENDALL COUNTY DISCLOSURE OF BENEFICIARIES FORM

1. Applicant LaSalle National Trust #47016  
Address 405 E. Sheridan Road  
City Lake Bluff State IL. Zip 60044  
A temporary variance to allow the use of a concrete crusher and concrete batch plant on
2. Nature of Benefit Sought the site before bringing the land back to farm-able condition
3. Nature of Applicant: (Please check one)  
☐ Natural Person (a)  
☐ Corporation (b)  
☐ Land Trust/Trustee (c)  
☐ Trust/Trustee (d)  
☒ Partnership (e)  
☐ Joint Venture (f)
4. If applicant is an entity other than described in Section 3, briefly state the nature and characteristics of the applicant:
5. If your answer to Section 3 you have checked letter b, c, d, e, or f, identify by name and address each person or entity who is a 5% shareholder in case of a corporation, a beneficiary in the case of a trust or land trust, a joint venture in the case of a joint venture, or who otherwise has proprietary interest, interest in profits and losses or right to control such entity:

NAME	ADDRESS	INTEREST
Tamara Burke		19.8%
Shannon Schweiger		19.8%
Erin McGould		19.8%
Drew Daniels		19.8%
Kathleen S. Daniels Family Trust		19.8%

6. Name, address, and capacity of person making this disclosure on behalf of the applicant:

[REDACTED] - DMYF, LLLP General Partner

VERIFICATION

I, Drew Daniels - General Partner, being first duly sworn under oath that I am the person making this disclosure on behalf of the applicant, that I am duly authorized to make the disclosure, that I have read the above and foregoing Disclosure of Beneficiaries, and that the statements contained therein are true in both substance and fact.

Subscribed and sworn to before me this 1st day of March, A.D. 2018

(seal)

[REDACTED]  
Notary Public



## Attachment 1, Page 27

Please fill out the following findings of fact to the best of your capabilities. § 13.04 of the Zoning Ordinance outlines findings that the Zoning Board of Appeals shall take into consideration the extent to which the following conditions have been established by the evidence:

See attached Narrative for more information on this Variance Request.

*That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out.*

The property owner has an existing lease with a farmer who has already planted the surrounding acreage.

*That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification.*

The conditions upon which the requested variations is based would not be applicable to other property within the same zoning classification.

*That the alleged difficulty or hardship has not been created by any person presently having an interest in the property.*

The difficulty in citing the use on the Property has not been created by any person having an interest in the Property.

*That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located.*

The proposed use and variation is temporary for only 20 months and is only operational during actual concrete pours and actual days of crushing. Given the limited use and duration of the concrete plant, it offer no harm to the public or surrounding properties.

*That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood.*

The proposed use and variation is temporary in nature for the purpose of a public improvement project. It will not substantially increase congestion given the use is only operational during concrete pours and days of crushing, the plant itself is not combustible nor does it create a public safety concern. Given the temporary nature of the use it also will have no impact on property values.



## LEGAL DESCRIPTION

## PARCEL ONE

THAT PART OF THE SOUTH 1/2 OF SECTION 19 AND THE NORTH 1/2 OF SECTION 30, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE CENTER OF SAID SECTION 19; THENCE SOUTH 00° 48' 07" EAST ALONG THE QUARTER LINE 257.40 FEET; THENCE NORTH 83° 55' 03" WEST 1944.30 FEET TO A POINT WHICH IS 1930.58 FEET SOUTH 88° 28' 32" WEST FROM THE POINT OF BEGINNING; THENCE SOUTH 88° 28' 32" WEST ALONG SAID NORTH LINE 204.60 FEET; THENCE SOUTH 02° 08' 40" WEST 2489.33 FEET TO THE PRESENT CENTER LINE OF U. S. HIGHWAY NO. 34; THENCE EASTERLY ALONG SAID CENTER LINE 2001.79 FEET TO A POINT ON SAID CENTER LINE WHICH IS NORTH 84° 54' 42" WEST FROM THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 30 (AS MEASURED ALONG THE CENTER LINE OF SAID U. S. HIGHWAY NO. 34); THENCE NORTH 05° 05' 18" EAST AT RIGHT ANGLES TO SAID CENTER LINE 231.00 FEET; THENCE SOUTH 84° 54' 42" EAST PARALLEL WITH SAID CENTER LINE 585.71 FEET; THENCE SOUTH 05° 05' 18" WEST AT RIGHT ANGLES TO SAID CENTER LINE 231.00 FEET TO SAID CENTER LINE; THENCE SOUTH 84° 54' 42" EAST ALONG SAID CENTER LINE 2370.99 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 30; THENCE NORTH 00° 38' 04" WEST ALONG SAID EAST LINE 429.15 FEET TO THE NORTHEAST CORNER OF SAID SECTION 30; THENCE NORTH 00° 39' 04" WEST ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 19, 301.20 FEET; THENCE SOUTH 89° 20' 56" WEST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, 227.23 FEET; THENCE NORTH 15° 08' 07" WEST 2403.75 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION 19 WHICH IS 1826.22 FEET NORTH 88° 28' 32" EAST FROM THE POINT OF BEGINNING; THENCE SOUTH 88° 28' 32" WEST ALONG SAID NORTH LINE, 1826.22 FEET TO THE POINT OF BEGINNING; IN THE TOWNSHIP OF BRISTOL, KENDALL COUNTY, ILLINOIS.

## PARCEL 2

THAT PART OF THE SOUTH 1/2 OF SECTION 19 AND THE NORTH 1/2 OF SECTION 30, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF STATE ROUTE 34 AND THE EAST LINE OF SAID SECTION 30; THENCE WESTERLY ALONG THE CENTER LINE OF SAID ROUTE 34, 2370.99 FEET FOR THE POINT OF BEGINNING; THENCE NORTHERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, 231 FEET; THENCE WESTERLY PARALLEL TO THE CENTER LINE OF STATE ROUTE 34, 585.71 FEET; THENCE SOUTHERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE 201 FEET TO THE CENTER LINE OF SAID ROUTE 34; THENCE EASTERLY ALONG THE CENTER LINE OF SAID ROUTE 34, 585.71 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF BRISTOL, KENDALL COUNTY, ILLINOIS.

EXCEPT THAT PART OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, KENDALL COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF OUTLOT 1 OF FOX HILL UNIT ONE PLANNED UNIT DEVELOPMENT, BRISTOL TOWNSHIP, KENDALL COUNTY, ILLINOIS, RECORDED IN CABINET 3, SLOTS 508 A48 AND 508 A48 AS DOCUMENTED NO. 9410594 IN THE RECORDER'S OFFICE OF KENDALL COUNTY; THENCE NORTH 06 DEGREES 22 MINUTES 18 SECONDS EAST, ON A BEARING REFERENCED TO AN ASSUMED NORTH, 15.240 METERS (50.00 FEET) TO THE CENTERLINE OF F.A. 591 AND THE POINT OF BEGINNING; THENCE NORTH 83 DEGREES 37 MINUTES 42 SECONDS WEST 93.518 METERS (306.82 FEET) ON SAID CENTERLINE; THENCE WESTERLY 213.414 METERS (700.18 FEET) ALONG AN 11.642.530 METERS (38,197.20) RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS NORTH 84 DEGREES 09 MINUTES 12 SECONDS WEST 213.411 METERS (700.17 FEET); THENCE NORTH 02 DEGREE 08 MINUTES 42 SECONDS EAST 15.265 METERS (50.08 FEET); THENCE EASTERLY 208.148 METERS (682.57 FEET) ALONG AN 11.657.770 METER (38,247.00) RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS SOUTH 84 DEGREES 10 MINUTES 17 SECONDS EAST 208.046 METERS (682.56 FEET); THENCE NORTH 85 DEGREES 35 MINUTES 28 SECONDS EAST 25.458 METERS (83.52 FEET); THENCE SOUTH 83 DEGREES 37 MINUTES 42 SECONDS EAST 50.000 METERS (164.04 FEET); THENCE SOUTH 72 DEGREES 50 MINUTES 54 SECONDS EAST 25.449 (83.49 FEET); THENCE SOUTH 83 DEGREES 37 MINUTES 42 SECONDS EAST 2.433 METERS (7.98 FEET); THENCE SOUTH 00 DEGREES 39 MINUTES 02 SECONDS EAST 15.355 METERS (50.38 FEET) TO SAID CENTERLINE; THENCE NORTH 83 DEGREES 37 MINUTES 42 SECONDS WEST 4.311 METERS (14.14 FEET) ALONG SAID CENTERLINE TO THE POINT OF BEGINNING, CONTAINING 0.808 HECTARE (1.259 ACRES), MORE OR LESS, OF WHICH 0.438 HECTARE (1.171 ACRES), MORE OR LESS, ARE IN THE EXISTING RIGHT OF WAY, SITUATED IN THE COUNTY OF KENDALL AND STATE OF ILLINOIS.

THE ABOVE PARCEL BEING SHOWN ON SHEET 2 OF THE RIGHT OF WAY PLANS FOR F.A. 591 (U.S. ROUTE 34), SECTION 13BR, RECORDED AS DOCUMENT NUMBER 9702750, PLAT FILE, 5-55 IN THE RECORDER'S OFFICE OF KENDALL COUNTY, ILLINOIS.

ALSO EXCEPT THAT PART CONVEYED THE UNITED CITY OF YORKVILLE IN DEED RECORDED AS DOCUMENT NO. 201400012767 TO WIT:

THAT PART OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

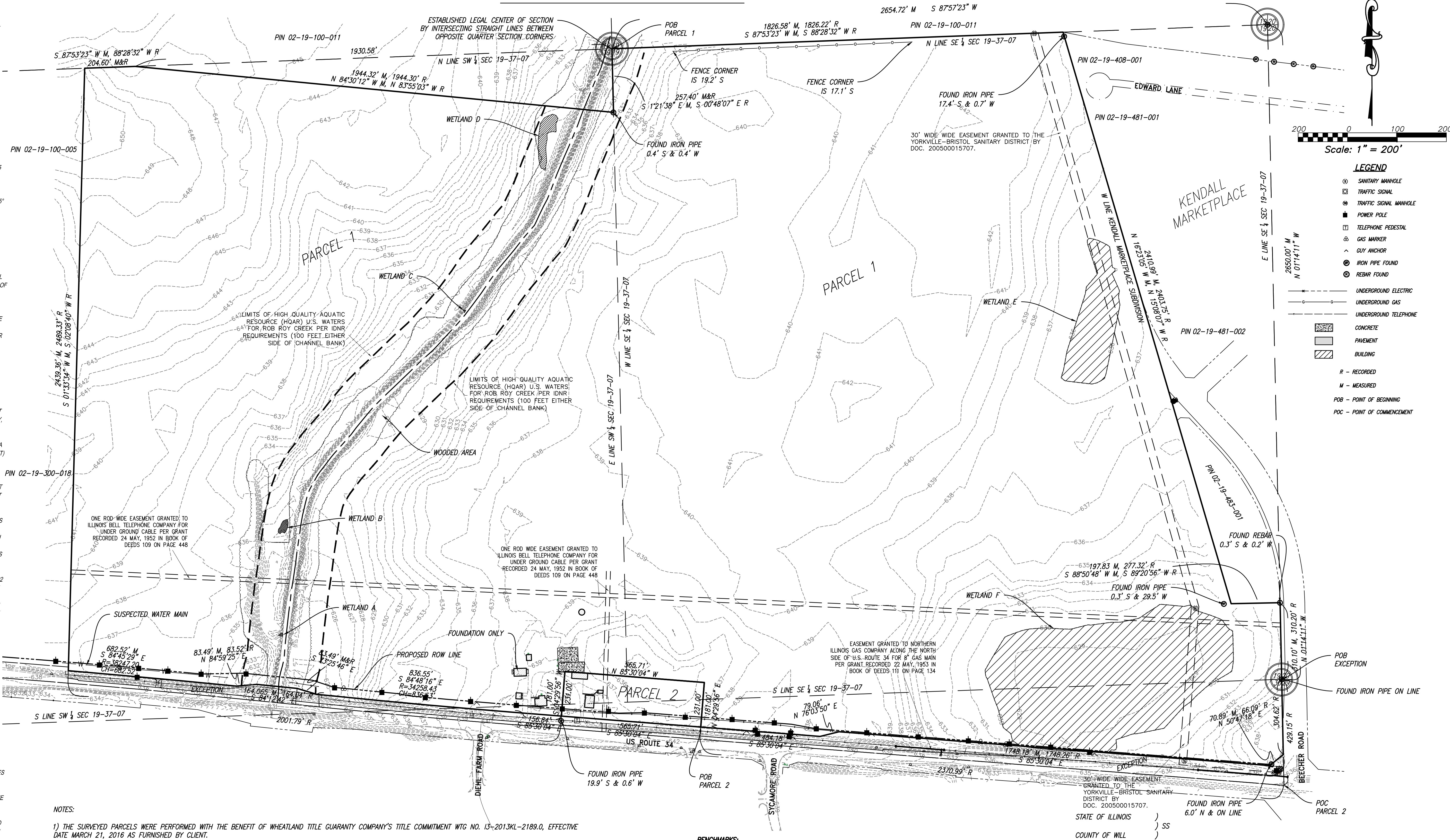
COMMENCING AT THE NORTHERLY CORNER OF SAID SECTION 30; THENCE SOUTH 01 DEGREES 14 MINUTES 12 SECONDS EAST, 304.62 FEET ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 30 TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 01 DEGREES 14 MINUTES 12 SECONDS EAST, 74.37 FEET ALONG SAID EAST LINE OF THE NORTHERLY RIGHT OF WAY LINE OF U.S. ROUTE 34; THENCE CONTINUING SOUTH 01 DEGREES 14 MINUTES 12 SECONDS EAST, 90.25 FEET ALONG SAID EAST LINE TO THE CENTERLINE OF U.S. ROUTE 34; THENCE NORTH 85 DEGREES 32 MINUTES 10 SECONDS WEST, 1879.89 FEET ALONG SAID CENTERLINE; THENCE NORTH 04 DEGREES 27 MINUTES 50 SECONDS EAST, 30.00 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF U.S. ROUTE 34; THENCE NORTH 76 DEGREES 01 MINUTE 45 SECONDS EAST, 79.06 FEET TO A POINT 25.00 FEET NORTHERLY OF SAID NORTHERLY RIGHT OF WAY LINE OF U.S. ROUTE 34; THENCE SOUTH 85 DEGREES 32 MINUTES 10 SECONDS EAST, 1748.26 FEET PARALLEL WITH AND 25.00 FEET NORTH OF SAID NORTHERLY RIGHT OF WAY LINE; THENCE NORTH 46 DEGREES 38 MINUTES 49 SECONDS EAST 66.09 FEET TO POINT OF BEGINNING, ALL IN THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS.

PERMANENT TAX NUMBER(S): 02-19-300-006; 02-19-400-006; 02-19-400-005; 02-30-100-002; 02-30-300-006

## NOTES:

- 1) THE SURVEYED PARCELS WERE PERFORMED WITH THE BENEFIT OF WHEATLAND TITLE GUARANTY COMPANY'S TITLE COMMITMENT WTG NO. 13-2013KL-2189.0, EFFECTIVE DATE MARCH 21, 2016 AS FURNISHED BY CLIENT.
- 2) THE DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMAL PARTS THEREOF.
- 3) NO DIMENSIONS SHOULD BE ASSUMED BY SCALE MEASUREMENTS UPON THE PLAT. NOTIFY SURVEYOR IMMEDIATELY WITH ANY DISCREPANCIES SHOWN HEREON.
- 4) THE SURVEYED PARCELS LIE WITHIN ZONE X (AREA OF 0.2% ANNUAL CHANCE OF FLOOD) AS GRAPHICALLY DEPICTED ON FEMA FLOOD INSURANCE RATE MAP PANEL 17093C00406, EFFECTIVE DATE FEBRUARY 4, 2009 AND 17093C0037H REVISED JANUARY 8, 2017.
- 5) THE SURVEYED PARCELS ARE ALSO KNOWN AS P.L.N. 02-19-400-009, 02-19-400-010, 02-19-300-019.
- 6) THE TOPOGRAPHY SHOWN HEREON WAS PROVIDED BY THE CLIENT FROM A SURVEY DATED OCTOBER 8, 2007. DLZ TAKES NO RESPONSIBILITY IN THE ACCURACY OF THIS DATA.
- 7) THE LOCATION OF EDWARD LANE, ROB ROY CREEK AND THE WOODED AREA ALONG THE CREEK SHOWN HEREON WERE GRAPHICALLY DEPICTED FROM AN AERIAL PHOTO TAKEN SEPTEMBER 20, 2015.
- 8) PROPERTY ZONED AT KENDALL COUNTY.
- 9) THE WETLANDS SHOWN HEREON WAS PROVIDED BY THE CLIENT BASED ON A WETLAND REPORT DATED NOVEMBER 2006. DLZ TAKES NO RESPONSIBILITY IN THE ACCURACY OF THESE LOCATIONS.
- 10) THE UTILITIES SHOWN HEREON ARE BASED ON FIELD OBSERVATION. CALL J.U.L.I.E. FOR FIELD LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO ANY DIGGING OR CONSTRUCTION.
- 11) AREA OF PARCEL 1 IS 268.715 ACRES, 2,307 ACRES OF WHICH IS PART OF PROPOSED RIGHT OF WAY. AREA OF PARCEL 2 IS 2.351 ACRES, 0.455 ACRES OF WHICH IS PART OF PROPOSED RIGHT OF WAY. THE PROPOSED RIGHT OF WAY SHOWN HEREON IS FROM IDOT PLANS R-93-010-13 DATED 08/31/16. NO FORMAL DEDICATION OF THIS ADDITIONAL RIGHT OF WAY WAS PROVIDED BY THE CLIENT.

## PLAT OF SURVEY



## BENCHMARKS:

BM 1 - RR SPIKE IN POWER POLE ON SOUTH SIDE OF RIVER ROAD 950' WEST OF SECTION LINE, ELEV: 624.96 (NAVD 88)

BM 2 - ELDAIMAN RD AT ENTRANCE TO MENARD'S DISTRIBUTION CENTER - TOP OF EAST SIDE OF EASTERNMOST LIGHT BASE IN CENTER MEDIAN, ELEV: 654.45 (NAVD 88)

BM 3 - SCHAFER RD. BRIDGE, WEST OF ELDAIMAN RD. - BRASS MARKER ON TOP OF SOUTHEAST ABUTMENT, ELEV: 617.23 (NAVD 88)

BM 4 - USGS PLATE ON SOUTHEAST ABUTMENT OF RAILROAD BRIDGE AT IL ROUTE 47 ( STAMPED " A 50 RESET 1944"), ELEV: 644.52 (NAVD 88)

I, ERIC C. COX, AN ILLINOIS LAND SURVEYOR, DO HEREBY ATTEST THAT I HAVE SUPERVISED THE SURVEY OF AND HAVE ASSEMBLED THE PLAT OF THE HEREON SHOWN AND DESCRIBED PARCEL AND TO THE BEST OF MY KNOWLEDGE AND BELIEF SAID PLAT IS A CORRECT REPRESENTATION OF SAID SURVEY. THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

FIELD WORK COMPLETED ON MARCH 2, 2018

DATED THIS 2ND DAY OF MARCH, 2018

ERIC C. COX  
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 035-3604  
RENEWAL DATE: NOVEMBER 30, 2018  
DLZ INDUSTRIAL SURVEYING, INC. PROFESSIONAL DESIGN FIRM 184002815



80 McDONALD AVENUE, UNIT D, JOLIET, IL 60431  
TELEPHONE (815) 725-8840 FAX (815) 725-8849

YORKVILLE

ILLINOIS

COOK ENGINEERING GROUP  
LA SALLE NATIONAL TRUST #47016

US ROUTE 34 & BEECHER ROAD  
PLAT OF SURVEY

DRAWN: CSH

DESIGNED: - APPRV'D: ECC

DATE: MARCH 2, 2018

SCALE: 1" = 200'

PROJECT NUMBER

1850-7024

NO.

REVISION

BY

DATE

SHEET 1

OF 1

DRAWING NUMBER

7024PS



LEGAL DESCRIPTION

PARCEL 1

THAT PART OF THE SOUTH 1/2 OF SECTION 19 AND THE NORTH 1/2 OF SECTION 30, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE CENTER OF SAID SECTION 19; THENCE SOUTH 00° 48' 07" EAST ALONG THE QUARTER LINE 257.40 FEET; THENCE NORTH 83° 55' 03" WEST 1944.30 FEET TO A POINT WHICH IS 1930.58 FEET SOUTH 88° 28' 32" WEST FROM THE POINT OF BEGINNING; THENCE SOUTH 88° 28' 32" WEST ALONG SAID NORTH LINE 204.60 FEET; THENCE SOUTH 02° 08' 40" WEST 2489.33 FEET TO THE PRESENT CENTER LINE OF U. S. HIGHWAY NO. 34; THENCE EASTERLY ALONG SAID CENTER LINE 2001.79 FEET TO A POINT ON SAID CENTER LINE WHICH IS NORTH 84° 54' 42" WEST FROM THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 30 (AS MEASURED ALONG THE CENTER LINE OF SAID U. S. HIGHWAY NO. 34); THENCE NORTH 05° 05' 18" EAST AT RIGHT ANGLES TO SAID CENTER LINE 231.00 FEET; THENCE SOUTH 84° 54' 42" EAST PARALLEL WITH SAID CENTER LINE 565.71 FEET; THENCE SOUTH 05° 05' 18" WEST AT RIGHT ANGLES TO SAID CENTER LINE 231.00 FEET TO SAID CENTER LINE; THENCE SOUTH 84° 54' 42" EAST ALONG SAID CENTER LINE 2370.99 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 30; THENCE NORTH 00° 39' 04" WEST ALONG SAID EAST LINE 429.15 FEET TO THE NORTHEAST CORNER OF SAID SECTION 30; THENCE NORTH 00° 39' 04" WEST ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 19, 301.20 FEET; THENCE SOUTH 89° 20' 56" WEST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, 227.23 FEET; THENCE NORTH 15° 08' 07" WEST 2403.75 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION 19 WHICH IS 1826.22 FEET NORTH 88° 28' 32" EAST FROM THE POINT OF BEGINNING; THENCE SOUTH 88° 28' 32" WEST ALONG SAID NORTH LINE, 1826.22 FEET TO THE POINT OF BEGINNING; IN THE TOWNSHIP OF BRISTOL, KENDALL COUNTY, ILLINOIS.

PARCEL 2

THAT PART OF THE SOUTH 1/2 OF SECTION 19 AND THE NORTH 1/2 OF SECTION 30, TOWNSHIP 37 NORTH, RANGE 7, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF STATE ROUTE 34 AND THE EAST LINE OF SAID SECTION 30; THENCE WESTERLY ALONG THE CENTER LINE OF SAID ROUTE 34, 2370.99 FEET FOR THE POINT OF BEGINNING; THENCE NORTHERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, 231 FEET; THENCE WESTERLY PARALLEL TO THE CENTER LINE OF STATE ROUTE 34, 565.71 FEET; THENCE SOUTHERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE 231 FEET TO THE CENTER LINE OF SAID ROUTE 34; THENCE EASTERLY ALONG THE CENTER LINE OF SAID ROUTE 34, 565.71 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF BRISTOL, KENDALL COUNTY, ILLINOIS.

EXCEPT THAT PART OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, KENDALL COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF OUTLOT 1 OF FOX HILL UNIT ONE PLANNED UNIT DEVELOPMENT, BRISTOL TOWNSHIP, KENDALL COUNTY, ILLINOIS, RECORDED IN CABINET 3, SLOTS 508 A&B AND 509 A&B AS DOCUMENTED NO. 9410594 IN THE RECORDER'S OFFICE OF KENDALL COUNTY; THENCE NORTH 06 DEGREES 22 MINUTES 18 SECONDS EAST, ON A BEARING REFERENCED TO AN ASSUMED NORTH, 15,240 METERS (50.00 FEET) TO THE CENTERLINE OF F.A. 591 AND THE POINT OF BEGINNING; THENCE NORTH 83 DEGREES 37 MINUTES 42 SECONDS WEST 93.516 METERS (306.92 FEET) ON SAID CENTERLINE; THENCE WESTERLY 213,414 METERS (700,18 FEET) ALONG AN 11,642,530 METERS (38,197.20) RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS NORTH 84 DEGREES 09 MINUTES 12 SECONDS WEST 213,411 METERS (700,17 FEET); THENCE NORTH 02 DEGREE 08 MINUTES 42 SECONDS EAST 15,263 METERS (50.08 FEET); THENCE EASTERLY 208,048 METERS (682.57 FEET) ALONG AN 11,657,770 METER (38,247.20 FOOT) RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS SOUTH 84 DEGREES 10 MINUTES 17 SECONDS EAST 208,046 METERS (682.56 FEET); THENCE NORTH 85 DEGREES 35 MINUTES 28 SECONDS EAST 25,458 METERS (83.52 FEET); THENCE SOUTH 83 DEGREES 37 MINUTES 42 SECONDS EAST 50,000 METERS (164.04 FEET); THENCE SOUTH 72 DEGREES 50 MINUTES 54 SECONDS EAST 25,449 (83.49 FEET); THENCE SOUTH 83 DEGREES 37 MINUTES 42 SECONDS WEST 2,433 METERS (7.98 FEET); THENCE SOUTH 00 DEGREES 39 MINUTES 02 SECONDS EAST 15,355 METERS (50.38 FEET) TO SAID CENTERLINE; THENCE NORTH 83 DEGREES 37 MINUTES 42 SECONDS WEST 4,311 METERS (14.14 FEET) ALONG SAID CENTERLINE TO THE POINT OF BEGINNING, CONTAINING 0.5095 HECTARE (1.259 ACRES), MORE OR LESS, OF WHICH 0.4738 HECTARE (1.171 ACRES), MORE OR LESS, ARE IN THE EXISTING RIGHT OF WAY, SITUATED IN THE COUNTY OF KENDALL AND STATE OF ILLINOIS.

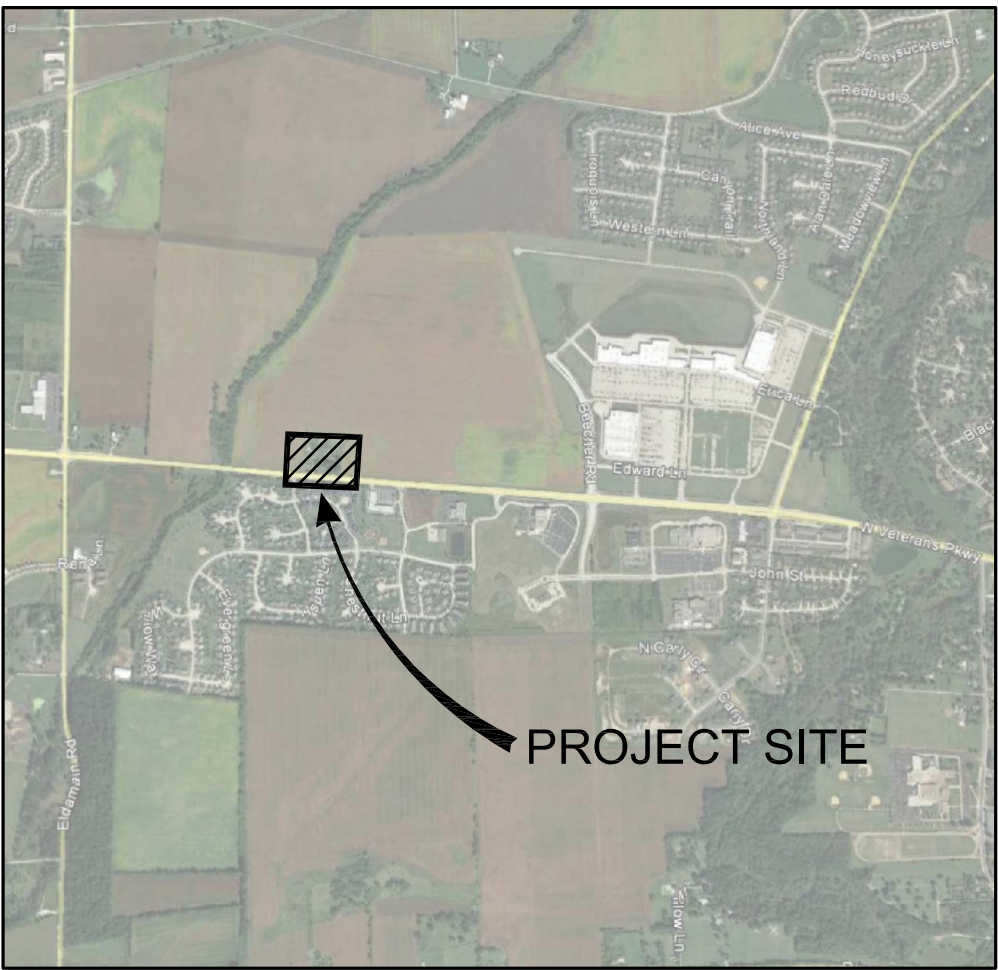
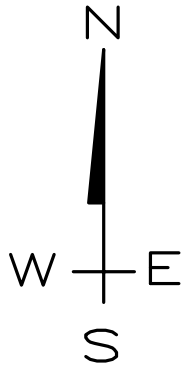
THE ABOVE PARCEL BEING SHOWN ON SHEET 2 OF THE RIGHT OF WAY PLANS FOR F.A. 591 (U.S. ROUTE 34), SECTION 13BR, RECORDED AS DOCUMENT NUMBER 9702750, FLAT FILE, 5-55 IN THE RECORDER'S OFFICE OF KENDALL COUNTY, ILLINOIS.

ALSO EXCEPT THAT PART CONVEYED THE UNITED CITY OF YORKVILLE IN DEED RECORDED AS DOCUMENT NO. 201400012767 TO WIT:

THAT PART OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

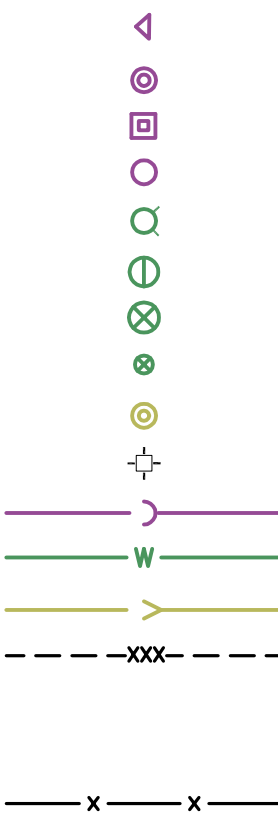
COMMENCING AT THE NORTHERLY CORNER OF SAID SECTION 30, THENCE SOUTH 01 DEGREES 14 MINUTES 12 SECONDS EAST, 304.62 FEET ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 30 TO THE POINT OF BEGINNING, THENCE CONTINUING SOUTH 01 DEGREES 14 MINUTES 12 SECONDS EAST, 74.37 FEET ALONG SAID EAST LINE OF THE NORTHERLY RIGHT OF WAY LINE OF U.S. ROUTE 34; THENCE CONTINUING SOUTH 01 DEGREES 14 MINUTES 12 SECONDS EAST, 50.25 FEET ALONG SAID EAST LINE TO THE CENTERLINE OF U.S. ROUTE 34; THENCE NORTH 85 DEGREES 32 MINUTES 10 SECONDS WEST, 1879.99 FEET ALONG SAID CENTERLINE, THENCE NORTH 04 DEGREES 27 MINUTES 50 SECONDS EAST, 50.00 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF U.S. ROUTE 34; THENCE NORTH 76 DEGREES 01 MINUTE 45 SECONDS EAST, 79.06 FEET TO A POINT 25.00 FEET NORTHERLY OF SAID NORTHERLY RIGHT OF WAY LINE OF U.S. ROUTE 34; THENCE SOUTH 85 DEGREES 32 MINUTES 10 SECONDS EAST, 1748.26 FEET PARALLEL WITH AND 25.00 FEET NORTH OF SAID NORTHERLY RIGHT OF WAY LINE, THENCE NORTH 46 DEGREES 36 MINUTES 49 SECONDS EAST 66.09 FEET TO POINT OF BEGINNING, ALL IN THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS.

PROPOSED SITEPLAN



SITE LOCATION MAP

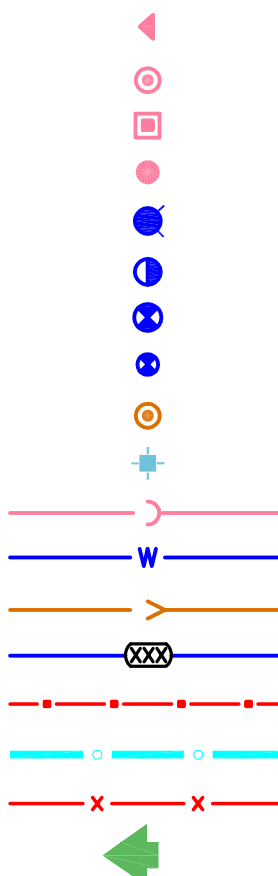
EXISTING



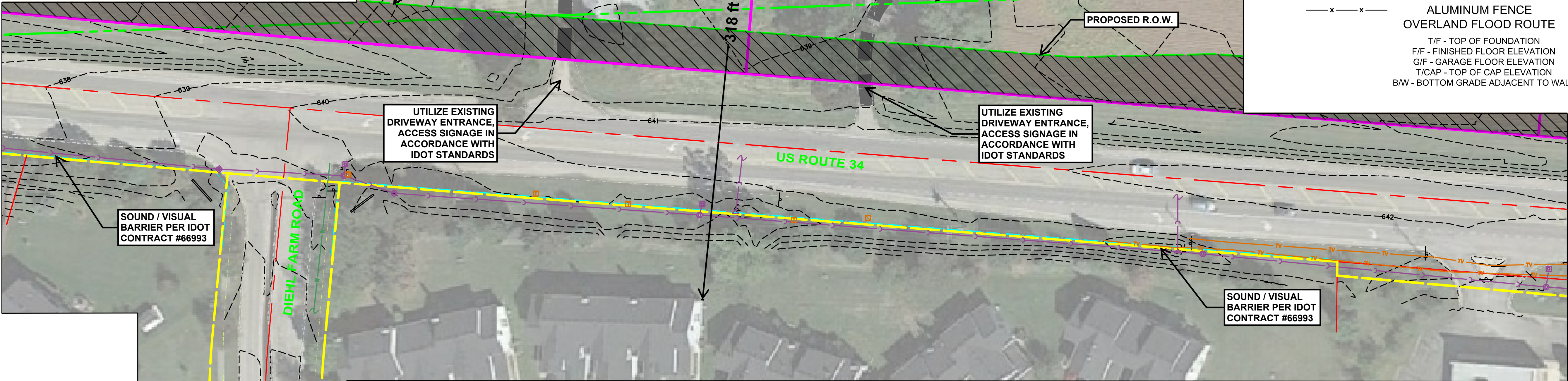
LEGEND

FLARED END SECTION  
STORM MANHOLE  
STORM INLET  
CATCH BASIN  
FIRE HYDRANT  
VALVE AND VAULT  
VALVE BOX  
B BOX  
SANITARY MANHOLE  
STREET LIGHT  
STORM SEWER  
WATERMAIN  
SANITARY SEWER  
CONTOUR  
SILT FENCE  
IDOT SOUND BARRIER  
ALUMINUM FENCE  
OVERLAND FLOOD ROUTE

PROPOSED



T/F - TOP OF FOUNDATION  
F/F - FINISHED FLOOR ELEVATION  
G/G - GARAGE FLOOR ELEVATION  
T/CAP - TOP OF CAP ELEVATION  
B/W - BOTTOM GRADE ADJACENT TO WALL



BENCHMARKS

1. RR SPIKE IN POWER POLE ON SOUTH SIDE OF RIVER ROAD 950 WEST OF SECTION LINE, ELE = 624.95
2. ELDA MAIN RD. AT ENTRANCE TO MENARD'S DISTRIBUTION CENTER - TOP OF EAST SIDE OF EASTERNMOST LIGHT BASE IN CENTER MEDIAN, ELE = 654.45
3. SCHAFER RD. BRIDGE, WEST OF ELDA MAIN RD. - BRASS MARKER ON TOP OF SOUTHEAST ABUTMENT, ELE = 617.23
4. USGS PLATE ON SOUTHEAST ABUTMENT OF RAILROAD BRIDGE AT IL ROUTE 47 (STAMPED "A 50 RESET 1944"), ELE = 644.52

P.I.N.'S

02-19-300-019  
02-19-400-009  
02-19-400-010  
02-30-200-023

CERTIFICATION

I, MICHAEL D. COOK, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF ILLINOIS CERTIFIES THIS PLAN HAS BEEN PREPARED BY COOK ENGINEERING GROUP UNDER MY PERSONAL DIRECTION.

M.D.C.



ILLINOIS P.E. #62-052101  
EXPIRES NOVEMBER 30, 2019

Civil Engineering &  
Land Development Consulting  
26316 Mapleview Drive  
Plainfield, IL 60585  
815.577.1707 T 815.577.2595 F  
www.cookengrroup.com



REVISION DESCRIPTION	DATE	#	1	2	3	4	5	6	7	8	9	10

TEMPORARY CONCRETE  
BATCH PLANT SITEPLAN

LASALLE BANK TRUST #47016  
11443 ROUTE 34  
YORKVILLE, IL 60560

PREPARED FOR  
LASALLE BANK TRUST #47016  
49 SHERWOOD TERRACE, STE A  
LAKE BLUFF, IL 60044  
224.212.1250 (T)

MR. DREW DANIELS

CEG JOB NUMBER  
2010-103

SCALE: 1" = 40'

DRAWN BY: MDC

CHECKED BY: MDC

DATE: 03/02/2018

SHEET: 1 of 1

1 of 1

© Copyright, 2018



Attachment 4-Front  
(South) of Property





Attachment 5-Looking North from  
Route 34





Attachment 6-  
Material Stockpile  
Looking Southeast





Attachment 7-Material  
Stockpile Looking South

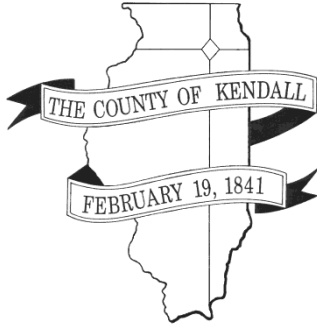




Attachment 8-Material  
Stockpile Looking Southwest







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**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

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**Petition 18-11**

**Elva Rocha (Owner) Ramon Martinez (Lessee)**

**Variances**

**Accessory Structure Building Height**

**Accessory Structure Size in Relation to Primary Structure**

**Driveway Side Yard Setback-R-6**

**INTRODUCTION**

The owner of the subject property, Elva Rocha, leases the property to her brother, Ramon Martinez.

Mr. Martinez would like to demolish the existing five hundred eighty-six (586) square foot garage and construct a one thousand nine hundred forty-four (1944) square foot garage in approximately the same location as the existing garage. He would like the garage to store his 18-wheeler and to work on his vehicles. The subject property is zoned R-6 One Family Residence District.

The construction of the proposed garage requires the following three (3) variances:

1. The new garage would be twenty point five feet (20.5') in height. The maximum building height for an accessory structure is fifteen feet (15').
2. The new garage would be one thousand nine hundred forty-four (1944) square feet in size. The new garage would be approximately one hundred sixty-six percent (166%) the size of the existing house which is one thousand one hundred seventy-five (1175) square feet in size. An accessory structure in the R-6 District can only be seventy percent (70%) the size of primary structure.
3. The proposed driveway would extend to approximately three point five feet (3.5') of the east side property line; the driveway cannot be closer than five feet (5') without a variance.

The variance application is attached as Attachment 1. The site plan is included as Attachment 2

**SITE INFORMATION**

PETITIONER Elva Rocha

ADDRESS 16 Curtmar Court, Montgomery

LOCATION Lot 193 in Boulder Hill



TOWNSHIP Oswego

PARCEL # 03-05-454-023

LOT SIZE 0.42 +/- Acres

EXITING LAND USE Single Family Residential (Boulder Hill Subdivision)

ZONING R-6 One Family Residence District

LRMP	Current Land Use	Single Family Residential
	Future Land Use	Suburban Residential
	Roads	Curtmar Court is local road maintained by Oswego Township.
	Trails	None
	Floodplain/ Wetlands	None

REQUESTED ACTION The new garage would be twenty point five feet (20.5') in height. The maximum building height for an accessory structure is fifteen feet (15').

The new garage would be one thousand nine hundred forty-four (1944) square feet in size. The new garage would be approximately one hundred sixty-six percent (166%) the size of the existing house which is one thousand one hundred seventy-five (1175) square feet in size and greater than seventy percent (70%) the size of the house.

The proposed driveway would extend to approximately three point five feet (3.5') of the east side property line; the driveway cannot be closer than five feet (5') without a variance.

APPLICABLE REGULATIONS § 4.05.E – Accessory Buildings, Structures and Uses – Height of Accessory Structures in Required Rear Yards.

§ 4.05.F – Accessory Buildings, Structures and Uses – Footprint of Accessory Structures in R-5, R-6, and R-7 Districts.

§ 11.02.F.7 – Additional Regulations-Park – Design and Maintenance – In Yards – Side Yards.

§13.04 – Variation Procedures and Requirements

#### SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	LRMP	Zoning within ½ Mile
North	Single Family Residential	R-6	Suburban Residential	R-7 and B-3
South	Comed ROW	R-6	Suburban Residential	R-6
East	Single Family Residential	R-6	Suburban Residential	R-6



West	Single Family Residential	R-6	Suburban Residential	A-1 SU, R-1, R-1 SU, R-3, R-5, R-6
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## GENERAL INFORMATION

The existing garage is thirteen feet (13') in height.

Pictures of the subject property are included as Attachments 3-7.

As shown in Attachments 5, 6, and 7, the garage will be constructed behind a fence on the north and east sides. The new garage will be visible to property owners south of the Commonwealth Edison right-of-way and motorists on Circle Drive West.

On the site plan (Attachment 2), there is a reference to a power line designated for removal. This power line is visible in Attachment 7.

No weight restrictions exist on streets in Boulder Hill.

Mr. Martinez intends to use the new building for his own use.

The building will be made of metal. To date, Mr. Martinez has not supplied the County with drawings of the new garage.

## OSWEGO TOWNSHIP

Oswego Township was emailed this proposal on 3.27.18.

## VILLAGE OF MONTGOMERY

The Village of Montgomery was emailed this proposal on 3.27.18.

## FINDINGS OF FACT

§ 13.04.A.3 of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to grant variations. They are listed below in *italics*. Staff has provided findings in **bold** below based on the recommendation:

*That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out.* **A garage of this size could not be constructed on the subject property without variances.**

*That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification.* **This is partially true. Other properties zoned R-6 could have similar configurations (i.e. location of the home on the parcel, the size of the parcel, the size of the house, etc.) limiting the location of potential accessory structures and sizes of accessory structures. The number of properties sharing similar characteristics is unknown.**

*That the alleged difficulty or hardship has not been created by any person presently having an interest in the property.* **While neither the Petitioner nor the Lessee platted the subject property, the Lessee created the hardship by desiring a garage of this size on the property.**

*That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located.* **True, the construction of the proposed garage will not be detrimental to the public welfare or injurious to other properties.**

*That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood.* **True, the proposed garage will not block light or air from adjacent properties. The proposed garage will not cause an**

**increase in congestion on public streets. The proposed variance will not diminish property values in the area. Provided the garage is constructed to the building code, no increase of fire or public safety concerns are anticipated by this proposal.**

#### **RECOMMENDATION**

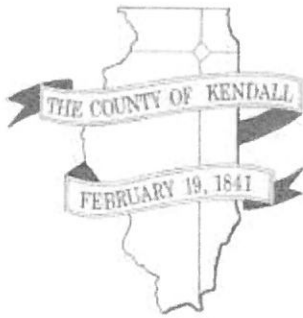
If this variance is approved, Staff recommends the following restrictions be placed on the variance to allow for the construction of a new detached garage twenty point five feet (20.5') in height requiring a variance of five point five feet (5.5'); the size of the garage shall be one thousand nine hundred forty-four (1944) square feet in size and one hundred sixty-six percent (166%) the size of the existing house which is one thousand one hundred seventy-five (1175) square feet in size requiring a variance of ninety-six (96) percentage points; the proposed driveway would extend to approximately three point five feet (3.5') of the east side property line requiring a variance of one point five feet (1.5'):

1. The site shall be developed in accordance with the attached site plan shown in Attachment 2.
2. The Petitioner or Lessee shall secure all applicable permits prior to using the garage.
3. The Petitioner and any Lessees of the property shall use the garage for personal use only; no business shall be operated inside the garage or on the subject property without securing a home occupation affidavit from the Kendall County Planning, Building and Zoning Department.

#### **ATTACHMENTS**

1. Application (Including Petitioner's Findings of Fact)
2. Site Plan (Including Topographic Information)
3. Aerial
4. Front (North) Side of House
5. Existing Garage
6. East Side of Existing Garage
7. Looking South from Existing Garage
8. Oswego Fire District Email 3.28.18





# DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Yorkville, IL • 60560  
(630) 553-4141 Fax (630) 553-4179

## APPLICATION

PROJECT NAME POST BARN GARAGE FILE #: 18-11

NAME OF APPLICANT <u>ELVA L. ROCHA</u>		
CURRENT LANDOWNER/NAME(s) <u>ELVA L. ROCHA</u>		
SITE INFORMATION ACRES <u>0.42</u>	SITE ADDRESS OR LOCATION <u>16 CURTMAR CT. MONTGOMERY, IL. 60538</u>	ASSESSOR'S ID NUMBER (PIN) <u>03-05-454-023</u>
EXISTING LAND USE <u>Single-Family Residential</u>	CURRENT ZONING <u>R-6 One-Family Residential</u>	LAND CLASSIFICATION ON LRMP <u>Suburban Residential</u>
REQUESTED ACTION (Check All That Apply):		
<input type="checkbox"/> SPECIAL USE	<input type="checkbox"/> MAP AMENDMENT (Rezone to _____)	<input checked="" type="checkbox"/> VARIANCE
<input type="checkbox"/> ADMINISTRATIVE VARIANCE	<input type="checkbox"/> A-1 CONDITIONAL USE for: _____	<input type="checkbox"/> SITE PLAN REVIEW
<input type="checkbox"/> TEXT AMENDMENT	<input type="checkbox"/> RPD ( <input type="checkbox"/> Concept; <input type="checkbox"/> Preliminary; <input type="checkbox"/> Final )	<input type="checkbox"/> ADMINISTRATIVE APPEAL
<input type="checkbox"/> PRELIMINARY PLAT (etc.)	<input type="checkbox"/> FINAL PLAT	<input type="checkbox"/> OTHER PLAT (Vacation, Dedication, etc.)
<input type="checkbox"/> AMENDMENT TO A SPECIAL USE ( <input type="checkbox"/> Major; <input type="checkbox"/> Minor )		
PRIMARY CONTACT <u>RAMON MARTINEZ</u>	PRIMARY CONTACT MAILING ADDRESS <u>16 CURTMAR CT. MONTGOMERY, IL. 60538</u>	PRIMARY CONTACT EMAIL [REDACTED]
PRIMARY CONTACT PHONE # [REDACTED]	PRIMARY CONTACT FAX #	PRIMARY CONTACT OTHER # (Cell, etc.)
ENGINEER CONTACT	ENGINEER MAILING ADDRESS	ENGINEER EMAIL
ENGINEER PHONE #	ENGINEER FAX #	ENGINEER OTHER # (Cell, etc.)
I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.		
I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES.		
SIGNATURE OF APPLICANT [REDACTED]	DATE <u>3/6/2018</u>	

FEE PAID: \$ 425.00

CHECK: [REDACTED] 3/6/18

<sup>1</sup>Primary Contact will receive all correspondence from County

<sup>2</sup>Engineering Contact will receive all correspondence from the County's Engineering Consultants

Please fill out the following findings of fact to the best of your capabilities. § 13.04 of the Zoning Ordinance outlines findings that the Zoning Board of Appeals shall take into consideration the extent to which the following conditions have been established by the evidence:

*That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out.*

NO, NONE.

*That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification.*

NO, NONE.

*That the alleged difficulty or hardship has not been created by any person presently having an interest in the property.*

NONE.

*That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located.*

SHOULD BE NO DETRIMENTAL TO THE PUBLIC WELFARE.  
IT WILL NOT BE VISIBLE BY THE PUBLIC STREETS.

*That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood.*

SHOULD BE NO DANGEROUS SITUATIONS, WITHIN  
THE SURROUNDING PROPERTIES, THERE ARE NO  
RESIDENTS/BUILDINGS IN BACK OF MY HOME. AND NO  
TRAFFIC.



## QUIT CLAIM DEED

ILLINOIS STATUTORY

MAIL TO:

Elva L. Rocha  
 16 Curtmar CT  
 Montgomery IL 60538

200600024249  
 Filed for Record in  
 KENDALL COUNTY, ILLINOIS  
 PAUL ANDERSON  
 08-08-2006 At 12:40 pm.  
 QUIT CLAIM 40.00  
 RHSP Surcharge 10.00

NAME &amp; ADDRESS OF TAXPAYER:

Elva L. Rocha  
 16 Curtmar CT  
 Montgomery IL 60538

RECORDER'S STAMP

THE GRANTOR(S) Elva L. Rocha  
 of the Town of Montgomery County of Kendall State of IL  
 for and in consideration of \_\_\_\_\_ DOLLARS  
 and other good and valuable considerations in hand paid,  
 CONVEY(S) AND QUIT CLAIM(S) to Elva L. Rocha and Honorio Rocha  
husband & wife as Tenants By Entirety  
 (GRANTEE'S ADDRESS) 16 Curtmar CT  
 of the Village of Montgomery County of Kendall State of IL  
 all interest in the following described real estate situated in the County of Kendall, in the State of Illinois,  
 to wit:

see Attached

NOTE: If additional space is required for legal - attach on separate  
 8-1/2" x 11" sheet with a minimum of 1/2" clear margin on all sides.

hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

Permanent Index Number(s): 10-05-454.023  
 Property Address: 16 Curtmar CT Montgomery IL 60538

Dated this 8-8-06 day of AUGUST 2006


\_\_\_\_\_  
 (Seal)

(Seal)

Elva L. Rocha  
 (Seal)

(Seal)

NOTE: PLEASE TYPE OR PRINT NAME BELOW ALL SIGNATURES

COMPLIMENTS OF  Chicago Title Insurance Company

CTIC Form No. 116C

STATE OF ILLINOIS } ss.  
County of Laurel }

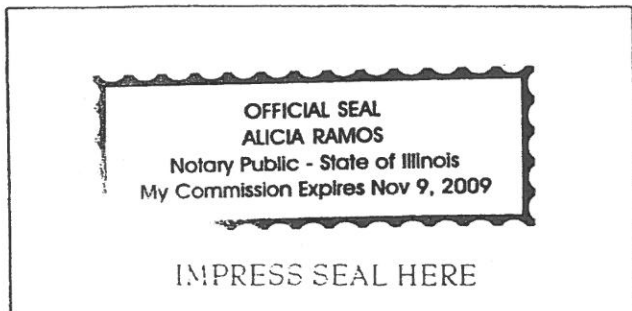
I, the undersigned, a Notary Public in and for said County, in the State aforesaid, CERTIFY THAT

Elva L. Rocha  
personally known to me to be the same person whose name is subscribed to the foregoing instrument,  
appeared before me this day in person, and acknowledged that she signed, sealed and delivered the  
instrument as a free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the  
right of homestead.

Given under my hand and notarial seal, this 8 day of August, 2005.

My commission expires on \_\_\_\_\_, 19\_\_\_\_.

Notary Public



\_\_\_\_\_  
COUNTY - ILLINOIS TRANSFER STAMP

\* If Grantor is also Grantee you may want to strike Release & Waiver of Homestead Rights.

NAME AND ADDRESS OF PREPARER:

Elva L. Rocha  
16 Curtmar St.  
Montgomery IL 60538

EXEMPT UNDER PROVISIONS OF PARAGRAPH

E SECTION 4,

REAL ESTATE TRANSFER ACT

DATE: 8-8-05

Signature: \_\_\_\_\_  
Notary Public

\*\* This conveyance must contain the name and address of the Grantee for tax billing purposes: ( 55 ILCS 5/3-5020)  
and name and address of the person preparing the instrument: ( 55 ILCS 5/3-5022).

QUIT CLAIM DEED  
ILLINOIS STATUTORY

FROM

TO



**STREET ADDRESS:** 16 CURTMAR CT

**CITY:** MONTGOMERY

**COUNTY:** KENDALL

**TAX NUMBER:** 10-05-454-023-0000

**LEGAL DESCRIPTION:**

LOT 193 OF BOULDER HILL, UNIT 7, IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.





### Attachment 3-Aerial

An aerial photograph of a residential development. A yellow boundary line outlines a specific area in the center of the image. The area is labeled "One Family Residential 2,000 sq ft". The surrounding area is divided into lots, many of which are numbered. The lots are arranged in a grid-like pattern, with some lots having numbers like 180, 179, 178, 177, 176, 175, 174, 173, 172, 171, 170, 169, 168, 167, 166, 165, 164, 163, 162, 161, 160, 159, 158, 157, 156, 155, 154, 153, 152, 151, 150, 149, 148, 147, 146, 145, 144, 143, 142, 141, 140, 139, 138, 137, 136, 135, 134, 133, 132, 131, 130, 129, 128, 127, 126, 125, 124, 123, 122, 121, 120, 119, 118, 117, 116, 115, 114, 113, 112, 111, 110, 109, 108, 107, 106, 105, 104, 103, 102, 101, 100, 99, 98, 97, 96, 95, 94, 93, 92, 91, 90, 89, 88, 87, 86, 85, 84, 83, 82, 81, 80, 79, 78, 77, 76, 75, 74, 73, 72, 71, 70, 69, 68, 67, 66, 65, 64, 63, 62, 61, 60, 59, 58, 57, 56, 55, 54, 53, 52, 51, 50, 49, 48, 47, 46, 45, 44, 43, 42, 41, 40, 39, 38, 37, 36, 35, 34, 33, 32, 31, 30, 29, 28, 27, 26, 25, 24, 23, 22, 21, 20, 19, 18, 17, 16, 15, 14, 13, 12, 11, 10, 9, 8, 7, 6, 5, 4, 3, 2, 1. The image also shows a road labeled "Circle Dr W" and a road labeled "Circle Dr E". There are also labels for "Pt -001", "Pt 26", and "Pt 27".

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Attachment 4 Front (North) Side of House





## Attachment 5-Existing Garage









Attachment 7-Looking  
South From Existing  
Garage





# Attachment 8

**Matt Asselmeier**

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**From:** Mike Veseling [mveseling@oswegofire.com]  
**Sent:** Wednesday, March 28, 2018 2:41 PM  
**To:** Matt Asselmeier; Bob Rogerson; Ken.Holmstrom@oswegotownship.com; buchanan@ci.montgomery.il.us  
**Subject:** RE: 16 Curtmar Court Variance Request

Matt,

I had our Fire Prevention Bureau evaluate this request for variance, and they determined that we have no basis to interject/intervene in this process based on applicable fire codes.

Please let us know if we can be of any other assistance.

Have a great day. Mike

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**From:** Matt Asselmeier <masselmeier@co.kendall.il.us>  
**Sent:** Tuesday, March 27, 2018 10:22 AM  
**To:** Bob Rogerson <bob.rogerson@oswegotownship.com>; Ken.Holmstrom@oswegotownship.com; Mike Veseling <mveseling@oswegofire.com>; buchanan@ci.montgomery.il.us  
**Subject:** 16 Curtmar Court Variance Request

To All:

Attached please find a report and application for three variances at 16 Curtmar Court in Boulder Hill.

The Kendall County Zoning Board of Appeals will review this proposal on April 30<sup>th</sup>. If you would like to submit comments on the requested variances, please submit them to me by April 23<sup>rd</sup>.

If you have any questions, please let me know.

Thanks,

Matthew H. Asselmeier, AICP  
Senior Planner  
Kendall County Planning, Building & Zoning  
111 West Fox Street  
Yorkville, IL 60560-1498  
PH: 630-553-4139  
Fax: 630-553-4179



KENDALL COUNTY ZONING BOARD OF APPEALS ~~AND~~  
~~SPECIAL USE HEARING OFFICER~~  
GENERAL RULES AND BY-LAWS

## Article I Definitions

- Section 1. "Board", "Zoning Board" shall mean the Kendall County Zoning Board of Appeals.
- Section 2. "County Board," "Appointing Authority," or "Governing Body" shall mean the County Board of Kendall County, Illinois.

~~Section 3. "Hearing Officer" shall mean the Special Use Hearing Officer~~

## Article II General Provisions

- Section 1. These rules are supplementary to the provisions of the Zoning Ordinance of the County of Kendall, Illinois as they relate to procedures of the Board of Appeals ~~and the Hearing Officer.~~
- Section 2. Any member who has any direct interest in a matter before the Board shall not vote thereon and shall not participate as a board member.
- Section 3. Nothing herein shall be construed to give or grant to the Board the power or authority to alter or change the zoning ordinance including the zoning map, which authority is reserved to the governing body.
- Section 4. The State's Attorney shall be consulted in cases where the powers of the Board are not clearly defined.
- Section 5. The Office of the Board shall be located at Kendall County Planning, Building and Zoning Office, 111 West Fox Street-Room 203, Yorkville, Illinois, 60560.
- Section 6. Each Zoning Board of Appeals member shall strive to attend each meeting of the Zoning Board of Appeals. Each member shall contact the Chairman, Zoning Administrator or Zoning Administrator Deputies, whenever he or she knows in advance that they will not be attending a Zoning Board meeting. Failure to attend three (3) or more meetings in a twelve (12) month period may be cited as a basis for removing the member from the Zoning Board.
- Section 7. All members of the Zoning Board shall be residents of different townships.

## Article III Officers and Duties

- Section 1. The officers of the Board shall be a Chairman, an Acting Chairman, and a

Secretary.

- Section 2. The County Board shall appoint the Chairman of the Board. The Zoning Board shall elect from amongst its members the Acting Chairman when the Chairman is absent. The Zoning Board shall designate the Secretary who may, or may not, be a member of the Board.
- Section 3. The Chairman shall supervise the affairs of the Board of Appeals. He shall preside at all meetings of the Board, shall appoint such committees and sub-committees as may be necessary to carry out the purposes of the Board, and shall provide for the oath to be administered to all witnesses in cases before the Board. The Chairman shall be an ex-officio member of all committees and sub-committees so appointed.
- Section 4. The Acting Chairman, in the absence or disability of the Chairman, shall perform all the duties and exercise all the powers of the Chairman.
- Section 5. The Secretary shall record and maintain permanent minutes of the Board's proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact; shall keep records of its examinations and other official actions; shall summarize accurately the testimony of those appearing before the Board or keep a verbatim transcript of all hearings; shall record the names and addresses of all persons appearing before the Board; Shall, subject to the Board and Chairman, conduct the correspondence of the Board and have published in a local newspaper public notices of meetings or hearings as required by law and these rules of procedures; shall file said minutes and records in the office of the Board which minutes and records shall be a public record, and shall be the custodian of the files of this Board and keep all records.

~~Section 6. The County Board shall appoint the Special Use Hearing Officer who may or may not be a member of the Zoning Board.~~

#### Article IV Order of Business

- Section 1. All meetings of the Board shall proceed as follows:
- a. Roll call
  - b. Approval of Minutes
  - c. Petitions on agenda and requests for continuances. Continuances may be granted at the discretion of the Board in any case for good cause shown and to any interested party who has entered his appearance.
  - d. Hearing of petitions on agenda.
  - e. New Business
  - f. Old Business
  - g. Public Comment



h. Adjournment

Article V Procedure for Types of Applications

- Section 1. All requests for Zoning map amendments, special uses, appeals and variations shall be submitted on forms prescribed by the Board to the secretary. Upon receipt of the properly filed application and proof of receipt of fee, the secretary of the Board shall assign a case number. Applications shall be assigned for a hearing by the chairman of the Zoning Board.

Article VI Notice for Hearings

- Section 1. In instances which Kendall County Board is the petitioner, the Secretary of the Board shall provide for a public notice to be published at least once in a newspaper published in the County not more than thirty (30) days nor less than fifteen (15) days before the hearing. Said notice shall provide a brief statement of the nature of the petition and all other information as required by State Statute. Said notice shall be delivered to all parties, if any, as required by State Statute.
- Section 2. In instances in which the property petitioned is located in an Agricultural District, the petitioner shall notify all property owners, as determined by County tax records, within five hundred (500) feet of the overall parent parcel. The petitioner shall provide proof of notification of said property owners to the Secretary.
- Section 3. In all other instances, the petitioner shall provide proof of notification and publication as required by Kendall County Ordinance and State Statute to the Secretary.

Article VII Procedures on Hearings

- Section 1. At the time of the hearing, the applicant may appear in his own behalf or be represented by counsel or agent.
- Section 2. All witnesses shall testify under oath.
- Section 3. Evidence shall be presented in the following order:
- a) The applicant or his representative may make a statement outlining the nature of his request prior to introducing evidence.
  - b) Board and/or objectors cross-examine applicant's witnesses.
  - c) Objectors present evidence.
  - d) Board and/or applicant cross-examine objector's evidence.
  - e) Rebuttal by applicant.
  - f) Evidence solicited by Board.
- Section 4. The Board shall not be bound by the strict rules of evidence, but it may

exclude irrelevant, immaterial, incompetent or unduly repetitious testimony or other evidence.

Section 5. An applicant or objector, or his agent or attorney, may submit a list of the persons favoring or opposing the application. Such list will be accepted as an exhibit if it contains nothing more than a brief statement of the position of the persons favoring or opposing the appeal or application, together with the signature of the persons subscribing to such statement.

Section 6. The Chairman shall rule on all questions relating to the admissibility of evidence, which may be overruled by a majority of the Board.

~~Section 7. Upon approval of a majority of the Board, a joint hearing of the Zoning Board of Appeals and the Special Use Hearing Officer may convene~~

Section 8 7. Failure of Applicant to Appear

- (1) The Chairman may entertain a motion from the Board to dismiss the case for want of prosecution. In the absence of a motion by the Board, the chair shall rule.
- (2) In cases which are dismissed for want of prosecution, the applicant will be furnished written notice by the Zoning Administrator or Zoning Administrator Deputies.
- (3) The applicant shall have seven (7) days from date of notice of dismissal to apply for reinstatement of the case. In such cases, applicant must file written request with the Secretary for reinstatement. Reinstatement shall be at the discretion of the Chairman for good cause shown, and upon payment of a minimum fee of \$150 dollars, plus court reporter fees.
- (4) In all cases reinstated in above described manner, the case will be docketed and re-advertised in the usual manner prescribed for new cases.

Section 9 8. Failure of a quorum of the Board. In the event the Zoning Board of Appeals fails to have a quorum for any reason, resulting in the rescheduling of the petition, any expenses regarding public notices (in the paper and neighbors) will be at the expense of the County.

#### Article VIII Decisions on Variations and Appeals

Section 1. The Board shall conduct its vote in public session at the meeting in which evidence is concluded, unless the Board considers additional time for deliberation necessary, in which case final decisions or recommendations shall be made within 30 days from the date of the hearing at a public session.

Section 2. A concurring vote of four (4) members of a seven (7) member Board shall



be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or Zoning Administrator Deputies, or to grant any variation in the ordinance or to recommend any variation or modification in the ordinance to the County Board.

- Section 3. All decisions of the board shall be made at a public hearing by motion made, seconded, and the Secretary polling the membership by a roll call vote. The motion which decides the issue shall be in the form of findings of fact and shall state the reasons for the findings by the Board. If conditions are imposed in the granting of a variation such conditions shall be included in the motion.
- Section 4. The transcript of the case shall be acknowledged as to accuracy by the Chairman and the Secretary and shall be a part of the public record of the Board.
- Section 5. Notice of the decision of the Board shall be given to the applicant, the Zoning Administrator or Zoning Administrator Deputies, and other interested parties as soon as possible after the decision is reached.
- Section 6. After all present members cast a vote, any member casting a dissenting vote shall have an opportunity to state the reason for such vote for the record.

#### Article IX Recommendations on Zoning Map Amendments and Text Amendments

- Section 1. The Board shall conduct its vote in public session at the meeting in which evidence is concluded, unless the Board considers additional time for deliberation necessary, in which case final decisions or recommendations shall be made within 30 days from the date of the hearing at a public session.
- Section 2. A concurring vote of four (4) members of a seven (7) member Board shall be necessary to recommend approval of any zoning map amendment or text amendment to the County Board.
- Section 3. All recommendations of the board shall be made at a public hearing by motion made, seconded, and the Secretary polling the membership by a roll call vote. The motion which recommends a decision of the issue shall be in the form of findings of fact and shall state the reasons for the findings by the Board.
- Section 4. The transcript of the case shall be acknowledged as to accuracy by the Chairman and the Secretary and shall be a part of the public record of the Board.
- Section 5. Notice of the recommendation of the Board shall be given to the applicant,

the Zoning Administrator or Zoning Administrator Deputies, and other interested parties as soon as possible after the decision is reached.

- Section 6. After all present members cast a vote, any member casting a dissenting vote shall have an opportunity to state the reason for such vote for the record. Such recorded statements will be for the benefit of the County Board when a case is discussed by the County Board.

#### Article X Recommendations on Special Uses

- Section 1. The ~~Hearing-Officer~~ Zoning Board of Appeals shall conduct ~~his/her~~ their findings of fact in public session at the meeting in which evidence is concluded, unless the ~~Hearing-Officer~~ Zoning Board of Appeals considers additional time for deliberation necessary, in which case final decisions or recommendations shall be made within 30 days from the date of the hearing at a public session.
- Section 2. All recommendations of the ~~hearing-officer~~ Zoning Board of Appeals shall be made at a public hearing. The motion which recommends a decision of the issue shall be in the form of findings of fact and shall state the reasons for the findings by the Board.
- Section 3. The transcript of the case shall be acknowledged as to accuracy by the Chairman and the Secretary and shall be a part of the public record of the Board.
- Section 4. Notice of the findings of fact made by the ~~Hearing-Officer~~ Zoning Board of Appeals and any recommendations of the ~~Hearing-Officer~~ Zoning Board of Appeals shall be given to the applicant, the Zoning Administrator or Zoning Administrator Deputies, and other interested parties as soon as possible.
- Section 5. A concurring vote of four (4) members of a seven (7) member Board shall be necessary to recommend approval of any special use permit application, major amendment to a special use permit application, or a non-owner initiated revocation of a special use permit zoning to the County Board.

#### Article ~~X~~ XI Records

- Section 1. A file of materials and decisions relating to each case shall be kept by the secretary as part of the records of the Board.
- Section 2. All records of the Board shall be a public record.

#### Article ~~XI~~ XII Amendment of Rules

- Section 1. These rules may be amended by an affirmative majority vote of all members of the Board.



Section 2. The proposed amendment must be presented in writing at a regular or special meeting preceding the meeting at which the vote is taken.

Having been presented at a public meeting on Monday, April 30, 2018, the foregoing rules and regulations are hereby adopted by the Board of Appeals of Kendall County on Monday, June 4, 2018.

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Randy Mohr, Chairman

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Dick Thompson, Member

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Scott Cherry, Member

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Tom LeCuyer, Member

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Karen Clementi, Member

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Dick Whitfield, Member

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One Vacancy